




3 1761 11764897 2



Digitized by the Internet Archive
in 2022 with funding from
University of Toronto

<https://archive.org/details/31761117648972>



CAI (8)
J 800
- 83 P104

WORKING PAPERS ON PORNOGRAPHY AND PROSTITUTION

Report # 4

PROSTITUTION AND PORNOGRAPHY IN SELECTED COUNTRIES

by
C.H.S. Jayewardene,
T.J. Juliani and
C.K. Talbot

POLICY, PROGRAMS
AND RESEARCH BRANCH

RESEARCH AND
STATISTICS SECTION

PROSTITUTION AND PORNOGRAPHY
IN
SELECTED COUNTRIES

by

C.H.S. Jayewardene

T.J. Juliani

and

C.K. Talbot

1984

A Report prepared for the Department of Justice on contract.

Crimcare Inc.

P.O. Box 125
Station A
Ottawa, Ontario
K1N 8V1



TABLE OF CONTENTS

	<u>Page</u>
List of Tables	vii
I. INTRODUCTION	1
1.1 Introductory Remarks	1
1.2 Methodology	2
1.3 Structure of Report	8
1.4 References	9
1.5 Acknowledgements	9
II. POLAND	10
2.1 Introductory Remarks	10
2.2 Legal Rules Concerning Prostitution	12
2.3 Scope of Law Enforcement Regarding Prostitution	14
2.4 Difficulties in Law Enforcement Regarding Prostitution	16
2.5 Official and Unofficial Extent of the Phenomenon of Prostitution	16
2.6 Attitudes Towards Prostitution	18
2.7 Movements Towards Changing Legal Rules Concerning Prostitution	20
2.8 Legal Rules Concerning Pornography	20
2.9 Scope of Law Enforcement Regarding Prostitution	21
2.10 Difficulties in Law Enforcement Regarding Pornography	22
2.11 Official and Unofficial Extent of Pornography	22
2.12 Attitudes of the Public Towards Pornography	23
2.13 Movements Toward Changing the Legal Rules Concerning Pornography	24
2.14 References	24
2.15 Acknowledgements	25
III. YUGOSLAVIA	26
3.1 Introductory Remarks	26
3.2 Existing Legislation on Prostitution	29
3.3 Scope of Law Enforcement Concerning Prostitution	33
3.4 Official and Unofficial Extent of the Problem of Prostitution	34
3.5 Public Attitudes Towards Prostitution	36
3.6 Public Movements in Connection with Prostitution	37
3.7 Existing Law on Pornography	37
3.8 Scope of the Law Enforcement Regarding Pornography	38

	<u>Page</u>
3.9 Official and Unofficial Extent of the Problem of Pornography	39
3.10 Public Attitude Towards Pornography	40
3.11 Movements to Change the Law Regarding Pornography or to Get Better Enforcement of Existing Laws	41
3.12 References	41
3.13 Bibliography	42
3.14 Acknowledgements	44
IV. HUNGARY	45
4.1 Introductory Remarks	45
4.2 The Existing Law on Prostitution	48
4.3 Changes in the Law on Prostitution: Historical Antecedents	52
4.4 The Scope of Law Enforcement	55
4.5 Extent of Prostitution	57
4.6 Problems Connected with Prostitution	58
4.7 Movements for the Change of Laws or the Enforcement of Laws	60
4.8 Existing Laws Against Pornography	60
4.9 Changes in the Law on Pornography	60
4.10 The Scope of the Problem of Pornography	61
4.11 Extent of the Problem of Pornography	62
4.12 Public Attitude Towards the Problems	63
4.13 Movements to Change the Law or its Enforcement	63
4.14 References	63
4.15 Bibliography	63
4.16 Acknowledgements	64
V. VENEZUELA	65
5.1 Introductory Remarks	65
5.2 Legislation Concerning Prostitution	67
5.3 Scope of Law Enforcement Concerning Prostitution	71
5.4 Problems Associated with Law Enforcement	73
5.5 Official and Unofficial Extent of the Phenomenon of Prostitution	74
5.6 Attitude of Public Towards Prostitution	76
5.7 Movements Towards Changing Legal Rules Concerning Prostitution	76
5.8 The Law Concerning Pornography	77
5.9 Scope of Law Enforcement Regarding Pornography	80
5.10 Official and Unofficial Extent of the Phenomenon of Pornography	83
5.11 Attitudes Towards Pornography	83

	<u>Page</u>
5.12 Public Movements and Pressure Groups to Control Pornography	84
5.13 References	85
5.14 Bibliography	85
5.15 Acknowledgements	86
 VI. PANAMA	 87
6.1 Introductory Remarks	87
6.2 Legislation Relating to Prostitution	90
6.3 Forms of Prostitution	95
6.4 Problems with Prostitution	97
6.5 Laws Relating to Pornography	98
6.6 Extent of the Problem of Pornography	100
6.7 Movements to Alter the Laws on Pornography or to Secure Better Enforcement	101
6.8 References	103
6.9 Acknowledgements	103
 VII. CHILE	 104
7.1 Introductory Remarks	104
7.2 The Extant Law on Prostitution	107
7.3 The Scope of the Problem	109
7.4 Official and Unofficial Extent of the Problem	111
7.5 Public Opinion Concerning Prostitution	113
7.6 Movements Against Prostitution	114
7.7 Existing Laws Regarding Pornography	114
7.8 General Considerations Relating to the Problem of Pornography	116
7.9 Official and Unofficial Extent of the Problem of Pornography	117
7.10 Public Opinion Concerning Pornography	118
7.11 References	118
7.12 Acknowledgements	119
 VIII. ARGENTINA	 120
8.1 Introductory Remarks	120
8.2 The Extant Law on Prostitution	123
8.3 Changes in the Law on Prostitution Including Jurisprudence	125
8.4 The Problem of Prostitution	127
8.5 Public Attitude Towards Prostitution	127
8.6 Extent of Prostitution	128
8.7 The Extant Law on Pornography	128
8.8 Problems with Law and Law Enforcement	129

	<u>Page</u>
8.9 The Extent of the Problem	131
8.10 Public Attitude Towards Pornography	132
8.11 References	133
8.12 Bibliography	133
8.13 Acknowledgements	133
 IX. SRI LANKA	 134
9.1 Introductory Remarks	134
9.2 The Existing Law on Prostitution	136
9.3 Problems with Law Enforcement	141
9.4 The Extent of Prostitution	144
9.5 The Problem of Prostitution	146
9.6 Public Attitude Towards Prostitution	149
9.7 Movements Towards Changing the Laws on Prostitution and Getting Better Enforcement	 149
9.8 The Existing Law on Pornography	152
9.9 The Problem of Pornography	154
9.10 The Extent of the Problem	154
9.11 Public Movements to Change the Law and Getting Better Enforcement	 155
9.12 References	155
9.13 Acknowledgements	156
 X. JAPAN	 157
10.1 Introductory Remarks	157
10.2 The Existing Law on Prostitution	160
10.3 The Problem of Prostitution	163
10.4 The Existing Law on Pornography	166
10.5 Explanatory Note	167
10.6 References	168
10.7 Acknowledgements	168
 XI. SINGAPORE	 169
11.1 Introductory Remarks	169
11.2 The Extant Law on Prostitution	171
11.3 The Problem of Prostitution	176
11.4 The Extent of the Problem	177
11.5 The Law on Pornography	177
11.7 The Problem of Pornography	180
11.8 References	181
11.9 Explanatory Note	181
11.10 Acknowledgements	181

	<u>Page</u>
XII. ARAB COUNTRIES	182
12.1 Introductory Remarks	182
12.2 The Law Regarding Prostitution	184
12.3 The Nature of the Problem	187
12.4 The Extent of the Problem	187
12.5 References	189
12.6 Acknowledgements	189
XIII. CONCLUSIONS	191
13.1 Introductory Remarks	191
13.2 Public Attitude Towards Prostitution	192
13.3 Problems Associated with the Enforcement of Prostitution Laws	196
13.4 The Control of Prostitution	202
13.5 The Problem of Pornography	210
13.6 The Control of Pornography	211
13.7 References	214

LIST OF TABLES

	<u>Page</u>
2.1 The Extent of Prostitution in Poland 1957-1983	17
3.1 Number of Persons charged under Misdemeanours against General Peace and Order: Prostitution, Providing Places for Prostitution and Being Accessory to Prostitution in Yugoslavia	35
3.2 Number of Persons Convicted under Article 251 of the Criminal Code and Article 105 of the Penal Code in SR Slovenia in Yugoslavia	35
3.3 Number of Persons Convicted under Article 252 of the Criminal Code of a Felony connected with Pornography in Yugoslavia	39
4.1 Number of Persons convicted of Prostitution in Hungary	57
4.2 Cases of Prostitution and Related Offences in Budapest	58
4.3 Number of Patients treated with Venereal Disease in Budapest	59
7.1 Number of Sex Offences Cases taken to Court and found Guilty 1978-1982 in Chile	112
9.1 Number of Prostitutes, Brothels and Cases of Soliciting known to the Police 1978 through 1983 in Sri Lanka	145
10.1 Persons charged under the Anti-prostitution Law in Japan, July 1st 1974 through June 30th, 1975	165
10.2 Extent of Organized Prostitution in Japan	167
12.1 Prostitution related Behaviour that is Outlawed in Arab Countries	185
12.2 Dispositions available for Cases of Prostitution in Arab Countries	186
12.3 Rates per 1000 population of Prostitution and Prostitution Related Crimes in Arab Countries	188
12.4 Trends 1975-1979 of Prostitution and Prostitution Related Crimes in Arab Countries	190

I. INTRODUCTION

1.1. Introductory Remarks

Under contract with the Department of Justice, Canada, Kiederowski and von Dijk (1984) prepared a report describing the experiences with pornography and prostitution in five countries in the European Economic Community -- Denmark, France, West Germany, The Netherlands and Sweden. As that report points out, the study was commissioned because the Department of Justice, Canada, desired the information "to aid in making effective policy decisions and to address the concerns of the Special Committee on Prostitution and Pornography". While the experience of countries in the European Community would be of particular interest in the formulation of policy in Canada, there were other countries in the world, whose experience with prostitution and pornography may have been of interest to the Department of Justice and of assistance in the formulation of Canadian policy on the subject even though the culture of these countries be so vastly different. Consequently, the description of the experience of these countries was considered a worthwhile project.

When this idea was conceived, criminologists in a number of Eastern European, Asian, Latin American, African and Australian countries were approached seeking their assistance as resource persons. As the time given them to collect the necessary information was very limited, a number of them found it difficult to participate and consequently information was obtained only from a few countries. Sometimes the information was not as complete as required and sometimes, because of the necessity to meet a deadline, the

information was sent in the language of the country -- Spanish, Japanese and Arabic. These posed problems of translation and clarification.

1.2 Methodology

In our original inquiry, the task that had to be performed was described as detailing the situation in the country regarding:

- (1) the law on prostitution;
- (2) the law on pornography;
- (3) the extent to which the law on prostitution was enforced;
- (4) the extent to which the law on pornography was enforced;
- (5) the problems encountered in the enforcement of the laws on prostitution;
- (6) the problems encountered in the enforcement of the laws on pornography;
- (7) the extent of prostitution as determined both officially and unofficially;
- (8) the extent of pornography as determined both officially and unofficially;
- (9) the public attitude towards prostitution;
- (10) the public attitude towards pornography;
- (11) the existence of any movements to change the laws on prostitution;
and
- (12) the existence of any movements to change the laws on pornography.

When the respondents were chosen and contracted to supply us with the required information, the following document was sent to be used as a guideline.

STUDY ON PROSTITUTION AND PORNOGRAPHY

This document represents guidelines indicating the information that is sought. It deals with the subjects of prostitution and pornography separately. On each subject information is sought on (a) legislation; (b) law enforcement policies; and (c) public opinion and attitudes. The guidelines take the form of questions which should be answered as fully as as specifically as possible.

Most of the questions could be answered by consulting books, documents and research reports. Sometimes, it might be necessary and even easier to consult a specialist, especially a police officer dealing with the subject. You are at liberty to obtain the information in any manner you think it best. We would, however, like you to submit a complete list of the literature that you have used and, in instances where personal communications are used as a source, the name and function of the spokesman.

It is quite possible that some of the questions are irrelevant in the legal and social frame of your country. Please do not hesitate to say so. On the other hand, it is also possible that certain aspects of the subject which seem to be of importance in your eyes may have been overlooked. Please elaborate on these aspects as much as possible.

I. PROSTITUTION

For the purposes of this study, prostitution has been defined as sexual services for financial reward, whatever the sex of the participants may be, and all acts directly related to such sexual services: operation of bawdy houses (brothels), living on the avails (pimps), etc.

1. What is the existing law on Prostitution?

Please cite the relevant sections of the penal code.

2. Have there been any significant alterations to the law such as decriminalization, legalization, criminalization, alteration in punishment in the law on prostitution?

Please state the change and cite the sections of the penal code that were changed, giving dates and a brief summary of the arguments proffered to produce the change.

3. Is there any significant jurisprudence on the subject?

Please give a brief summary of the cases and the findings of the court. If possible, please indicate how the judgment affected enforcement.

4. Is there a problem of prostitution in your country?

(a) in your opinion?

(b) in the opinion of the police?

(c) in the opinion of the public?

For (b) please interview a police officer for the information —giving his name and rank — and for (c) please give results of public opinion polls, giving the relevant references.

For all, please give an indication of what the problem is. Is it the

incidence of the phenomenon, the violation of conditions of operation, the spread of disease, etc.?

5. What is the official extent of the problem?

Please cite official statistics -- crimes known to the police and conviction rates -- to indicate (a) the present state and (b) the trend, giving the relevant references.

6. What is the attitude to the problem of

(a) the police?

(b) the public?

For (a) please interview a police officer for information -- giving his name and rank -- and for (b) please give results of public opinion polls giving the relevant information.

7. Are there any public movements to

(a) change the legislation?

(b) get better enforcement of the existing law?

Please give a brief summary of the movements with an indication of when they started and how strong they are.

8. Have there been any special studies undertaken on prostitution in your country?

Please give a brief summary of the studies together with the relevant references.

II. PORNOGRAPHY

For the purposes of this study, pornography is considered as materials, publications, films, etc., and/or performances of a sexual nature considered to be obscene, indecent, etc.

1. What is the existing law on Pornography?

Please cite the relevant sections of the penal code.

2. Have there been any significant alterations to the law such as decriminalization, legalization, criminalization, alteration in punishment in the law on pornography?

Please state the change and cite the sections of the penal code that were changed, giving the dates and a brief summary of the arguments proffered to produce the change.

3. Is there any significant jurisprudence on the subject?

Please give a brief summary of the cases and the findings of the court. If possible, please indicate how the judgments affected enforcement.

4. Is there a problem of pornography in your country?

(a) in your opinion?

(b) in the opinion of the police?

(c) in the opinion of the public?

For (b) please interview a police officer for the information —giving his name and rank -- and for (c) please give results of public opinion polls giving the relevant references.

For all, please give an indication of what the problem is. Is it the incidence of the phenomenon, the violation of conditions of

operation, the spread of disease, etc.?

5. What is the official extent of the problem?

Please cite official statistics -- crime known to the police and conviction rates -- to indicate (a) the present state and (b) the trend, giving the relevant references.

6. What is the attitude to the problem of

(a) the police?

(b) the public?

For (a) please interview a police officer for the information -- giving his name and rank -- and for (b) please give the results of public opinion polls, giving the relevant references.

7. Are there any public movements to

(a) change the legislation?

(b) get better enforcement of the existing law?

Please give a brief summary of the movements with an indication of when they started and how strong they are.

8. Have there been any special studies undertaken on pornography in your country?

Please give a brief summary of the studies together with the relevant information.

1.3 Structure of the Report

The information that has been received from the respondents in a country has been collected and collated in a chapter which:

1. describes the existing law on prostitution and pornography;
2. describes any significant changes such as decriminalization, criminalization and alterations of punishment that have occurred in the law on prostitution and pornography;
3. identifies the dimensions of the problems of prostitution and pornography;
4. assesses the extent of the problems in terms of police estimates and public estimates;
5. assesses the official reaction to the problems in terms of charges laid and convictions obtained;
6. describes the public attitude to the problem with attempts at explanations for that attitude;
7. describes the police attitude to the problems and the phenomena with attempts at explanation of that attitude;
8. describes the public interest in the phenomena; and
9. describes any special studies that have been made of prostitution and pornography.

Attempts have been made to make the chapters, as far as possible, comparable to each other. However, because of the difference in the information that was obtained, this has not always been possible. All the information from all the countries has been brought together and presented in a final Conclusions chapter.

1.4 References

J.S. Kiederowski and J.J.M. van Dijk: Pornography and Prostitution in Denmark, France, West Germany, The Netherlands and Sweden. (Ottawa: Unpublished Report, 1984).

1.5. Acknowledgments

This report has been written under contract for the Department of Justice, Canada.

The authors wish to express their thanks to Mrs. Lenore Dewan for typing services.

II. POLAND

2.1 Introductory Remarks

Poland is an independent Republic in East Europe falling within the Communist sphere. An irregularly oval shaped country, the Polish People's Republic covers an area of 119,734 square miles and has a population of 36,062,000 (1982 figure). For administrative purposes it is divided into 46 provinces and voivodships and three cities -- Warsaw, Ludz and Krakow -- which have also been granted voivodship. The supreme organ of the state is the Sejm -- an unicameral legislature comprising 460 delegates elected by secret ballot for a four-year term. There are three recognized political parties -- the United Peasants' Party, the Democratic Party and the Communist Party -- but they field a single list of candidates. However, as there are considerably more candidates than there are seats to be filled, the voters have a substantial scope of expressing their electoral preferences.

The enactment of laws and the supervision of other organs of government and administration is the chief business of the Sejm which is obliged by law to meet at least twice a year. However, it does most of its business through Standing Committees which are equivalent to Ministries in democratic countries. The Sejm is dominated by the Communist Party -- officially known as the Polish United Workers' Party (Polska Zjednoczona Partia Robotnicza -- PZPR) which is itself controlled by the Politburo and by the Secretariat of the Central Committee under the direction of the Party First Secretary. Local administration is carried out through a hierarchical system of People's Councils which function in effect as the executors of policies and programs determined by the PZPR.

There is a Council of State, a collective body comprised of a Chairman, a Deputy Chairman, a Secretary and eleven other members, which is recognized as the Head of State, and, functioning as a Praesidium of Sejm, is empowered to issue decrees, having the force of law. It is not a policy making body but vested with the authority to issue binding legislation without the prior approval of the Sejm, it is the organ which enables the Communist regime to implement its will with speed and efficiency while maintaining the appearance of a parliamentary system. There is also a Council of Ministers entrusted with the responsibility of enforcing law, maintaining order and protecting the interests of the State and of individuals. A third body of importance is the Supreme Control Chamber created by a constitutional amendment in 1957, functioning in a watch dog capacity.

The judicial system of Poland is a three-tiered formal court system. The highest judicial organ is the Supreme Court devoting itself exclusively to appeals from the lower courts. It has four chambers -- one for each main field of law -- civil, criminal, military and labour and social security cases. Courts of original jurisdiction are the Provincial and County Courts. The court of first instance is usually the County Court, though the more serious cases may be tried in the Provincial Court. Apart from its original jurisdiction, Provincial Courts have an appellate function, hearing appeals against judgments rendered by the County Courts. The judiciary is theoretically independent, but responsible in practice to the Council of State, it serves to give legal expression to the Communist system and ensure the fulfilment of party policies.

The legal traditions are based primarily on English common law with the accused held innocent until proven guilty, the burden of proof lying with the accused and the accused guaranteed the right to legal counsel. However, the

proceedings do not follow the British tradition of a contest between prosecution and defence. Instead, they assume the form of an investigation in which the judges take an active part in the examination of evidence and the interrogation of witnesses. There are no juries, but the judges are assisted by lay assessors representing interests of the local community. A network of unofficial social courts was established in 1960 and granted official status in 1965 to deal with minor disputes and offences in economic enterprises and places of work.

Prosecution is the responsibility of the Prosecutor General operating through a network of Provincial and County offices functioning independently of the Provincial and County Peoples' Councils. Revision of the Penal Code in 1970 saw prescribed penalties reassessed in terms of the concept of social danger so that the crimes endangering the state carried the most severe punishment and crimes committed against the person, especially those considered to be one time acts and thought to be of a lesser danger to society as a whole, carried lesser penalties. Nevertheless, there are 18 crimes which carry the death penalty. These include murder, treason, terrorism and espionage.

2.2 Legal Rules Concerning Prostitution

Prostitution is not a crime in Poland. The Penal Code does not use the term prostitution. It uses the term "indecent act" (nierzad) which commentators of the Polish Penal Code consider a synonym of the word prostitution (Bafia, Mioduska and Siewierski, 1977).

The sole case of prostitution which can become a punishable act in Poland is the situation foreseen in Article 142 of the Polish Code of Violations which reads:

Whoever importunately or by intruding oneself, or by other means violating the law and order proposes to another person to commit an indecent act, with the purpose of obtaining a material benefit, shall be subject to a penalty of arrest or liberty deprivation or a fine.

Also a situation where a prostitute could incur penal liability can be imagined in

Article 162, Section 1 of the Polish Penal Code. This section reads:

Whoever, being afflicted with a venereal disease, exposes another person to infection from that disease, shall be subject to the penalty of deprivation of liberty for up to three years.

Although prostitution is not an offence in Poland, the Polish legislation does outlaw certain behaviours likely to contribute to the spreading of the phenomenon and to the exploitation of women with an aim of obtaining a material benefit. These behaviours are mentioned in Article 174 of the Polish Penal Code and identified as "Proxenetism". Section 1 of this article reads:

Whoever induces another person to practice prostitution, shall be subject to the penalty of deprivation of liberty for 1 to 10 years.

and section 2 of the Article reads:

Whoever deprives a material benefit from someone else's prostitution, or with the purpose of obtaining a material benefit, facilitates someone else's prostitution, shall be subject to the same penalty.

Thus, though prostitution itself is not a crime, the Polish Penal Code has criminalized inducing others to practise prostitution and living off the earnings of prostitutes. Prostitution, consequently, has not been legalized in Poland.

2.3 The Scope of Law Enforcement Regarding Prostitution

Although prostitution is not a crime, the police do maintain a surveillance of prostitutes. This is mainly due to the association established between prostitution and other violations of the law. Jasinska (1967) compared the criminality of young female adults before and after they began their career as prostitutes. Only 15% of the women studied did not commit any offence as prostitutes. The involvement in crime of the other 85% increased after they commenced their career in prostitution. The offences committed by young adult prostitutes were predominantly theft, resistance to police and authorities, exposing another to infection from venereal disease, and robbery. On the basis of this research, Jasinsk (1967) concluded that there were specific types of offences committed by women involved in the practice of prostitution. These offences were mostly theft and hooliganism. The milieu of the prostitute was thought to have a tremendous effect on the commission of these crimes. Only 34% of the prostitutes were involved in theft prior to the beginning of their career in prostitution: 65% were involved after.

An analysis of the criminal behaviour of 8905 prostitutes recorded by the Civic Militia during the year 1967 showed that penal proceedings were launched against 1332 of them -- only 14.96% of them -- and that mostly for crimes against property (Biczysko, 1968). Data available from the headquarters of the Civic Militia indicate that in 1983 criminal proceedings (motions for punishment submitted to magistrates) was launched against 2819 prostitutes mainly for misdemeanours defined in Article 51 of the Code of Violations:

Whoever breaches the peace, law and order, or night rest, by shouting, hooting or by other pranks, or causes a scandal in a public place. . . .

In addition to this there were proceedings launched against 954 prostitutes for misdemeanours against residence registration and 147 for impudent advances as defined in Article 142 of the Code of Violations. Proceedings were launched against 1243 prostitutes for involvement in crimes such as theft, robberies, burglaries and house breakings.

With regards to acts connected with the exploitation of prostitution, the number of persons brought to court is insignificant in comparison to the number of known prostitutes. In the years 1978 to 1982, there have been respectively 47, 42, 73, 34 and 18 persons accused of living off the earnings of prostitutes or of proxenitism as defined in Article 174, section 2 of the Penal Code. Once charged, the number of people who are acquitted is negligible and the penalty inflicted is mainly deprivation of liberty with a conditional suspension of the sentence. In 1978, 60% of the cases were so punished and in 1982, 95.4% of the cases. Occasionally there is also a fine imposed.

Persons charged under section 1 of Article 174 are even fewer. During the period 1978 - 1982, there were respectively 4, 2, 3, 2 and 2 such cases. In these cases the punishment imposed is deprivation of liberty with conditional suspension of its execution.

It should be noted that the scope of enforcement of the penal law in connection with the exploitation of prostitution is very small. It results, above all, from the difficulties encountered by criminal justice to prove the commission of these offences. It is a consequence of mutual solidarity and the ties existing between the prostitutes on the one hand and the persons practising proxenitism and living on the earnings of prostitutes on the other.

2.4 Difficulties in Law Enforcement Regarding Prostitution

The only law concerning prostitution which has to be enforced in Poland is that dealing with proxenitism and living off the earnings of prostitutes. When the total number of prostitutes known, a number that is in itself deficient, is taken into consideration, the enforcement of these laws is a drop in the bucket of these kinds of offences actually committed. The difficulties in the enforcement regarding these categories of offences results from the fact that they are committed in a specific demi-monde, with its distinct criminal subculture. The organization of contemporary forms of co-operation of prostitute's protectors and panders with the prostitutes makes it difficult to combat these offenders as well as the phenomenon of prostitution. In many cases, the prostitutes are the initiators of the paid assistance of men.

2.5 Official and Unofficial Extent of the Phenomenon of Prostitution

The only source of information on the official extent of prostitution in Poland is the Civic Militia Files. These files cannot reflect the actual extent of this phenomenon. The figures cover three types of persons: (1) those prostitutes who have violated the law and have been taken to court for the commission of an offence or a misdemeanour. These constitute the majority recorded in the files; (2) those prostitutes whose personal matters are connected with the activity of various public assistance bodies such as medical treatment, the care of children and the like; and (3) those summoned by special committees of the People's Councils since they neither work nor learn.

The extent of prostitution in Poland on the basis of the Civic Militia files is illustrated in Table 2.1. The Figures show a gradual increase from 1957. It should be noted that though these figures do not present a complete picture

Table 2.1 The Extent of Prostitution in Poland. 1957-1983

Year	Number of Persons	Year	Number of Persons
1957	3,137	1968	n.a.
1958	5,313	1969	n.a.
1959	6,565	1970	10,408
1960	6,474	1971	11,209
1961	7,002	1972	11,558
1962	7,487	1973	12,310
1963	7,921	1974	12,600
1964	8,060	1975	11,939
1965	8,216	1976	11,898
1966	8,573	1977	11,675
1967	8,905	1978	12,054
	Year	Number of Persons	
	1979	11,675	
	1980	12,770	
	1981	12,570	
	1982	12,539	
	1983	12,418	

Source: Civic Militia.

of the situation in Poland, there being necessarily a dark or unknown number, they do present a much more complete picture of the situation than do official statistics in most other countries.

The actual extent of prostitution is a question that is very difficult to answer even with an estimation. Most research work concerning prostitution deals with the problem only in a fragmentary way. Furthermore, the starting point of most of these studies in Poland are the official data recorded in the Civic Militia files. Nevertheless, the authors of these studies (Biczysko, 1968;

Jasinka, 1967) unanimously agree that the actual extent of prostitution in Poland is undoubtedly much higher than what the official figures indicate.

There have been no attempts to determine the dark number of prostitution.

2.6 Attitudes of the Public towards Prostitution

In Polish society there is generally a positive relation between rigorism and punitiveness, on the one hand, and the law in force, on the other hand. A higher rigorism and punitiveness accompany, as a rule, those behaviours which are prohibited and made punishable by law. Research in Poland, however, reveals prostitution constitutes a deviation from this principle. It is a behaviour that is severely condemned though it is not punishable. Such a rigoristic approach of the public towards prostitution can be, among others, the effect of the belief in the magnitude and the social noxiousness of the phenomenon. About 75% of the public believes that prostitution exists in Poland in a form constituting a social problem. The belief that prostitution constitutes a very serious social danger occurs more frequently among women than men (Wodz, 1973).

The belief in the social noxiousness of prostitution derives mainly from the opinion that it causes disintegration of the family, it makes the education of young girls difficult because it lures them to easy money and it contributes to the spread of venereal disease. In Polish society, the noxiousness also has a moral connotation (Wodz, 1973).

Research conducted in Poland indicates that prostitution is very severely condemned by more than half of the samples studied. More severely condemned than prostitution are group rape, murder, drug addiction, alcoholism

and abuse of power. Just as strongly and as often condemned as prostitution is pornography and homosexuality (Kwasniewski and Kojder, 1979).

The effect of this severe condemnation of prostitution is the social response to the phenomenon. Here can be observed two distinct trends in the field. There is, on the one hand, a trend to penalize prostitution. There is, on the other hand, a trend not to punish prostitution but to control the phenomenon by putting prostitutes to work.

The preponderance of public opinion (about 85% of the samples studied) seems to be that prostitution should be penalized, that it should be made a punishable offence. There are many who believe that it is so even now, perhaps mistaking the penal measures applied for crimes committed by prostitutes as punishment for prostitution. These people feel that the punishments handed out, such as fines and short term incarceration, are not effective enough. A study of the attitudes of Polish and Italian people towards prostitution has revealed that while the Poles would like prostitution penalized, the Italians prefer to see the problem handled through medical and educational measures (Kwasniewski, 1973).

Though small, there is a body of opinion that feels that the phenomenon could be controlled by introducing compulsory work for prostitutes. This view stems from the consideration of a prostitute as one who is leading a parasitic mode of life. A similar proposal has been made for dealing with persons who do not fulfil their duties of alimony or allowance for the support of children. The idea has been incorporated in draft legislation but it was not enacted as such a rule would be contrary to the provisions of the International Convention of 1950 concerning White Slave Trade and the Exploitation of Prostitution, which was ratified by Poland. Nonetheless, the belief that it

would be an effective measure for the protection of society and a deterrent towards prostitution continues to exist.

2.7 Movement towards Changing Legal Rules Concerning Prostitution

In Poland, as a rule, there is no public clamour for alteration of the laws concerning prostitution. One does, however, encounter in the literature postulates for increasing the effectiveness of prosecution of violators of Article 174, sections 1 and 2 of the Penal Code. There are also postulates for decreasing the sanctions for those living off the earnings of prostitutes and for inducing another person to engage in prostitution. Such proposals were actually made in the draft of the changes of the Penal Code in 1981.

2.8 Legal Rules Concerning Pornography

Legislation in Poland bans the production and distribution of objects of a pornographic character. The rules concerning pornography have been laid down according to the Geneva Convention on combatting the distribution and traffic of pornographic publications in 1923 which was ratified in Poland in 1926. The relevant law is found in Article 213 of the Penal Code of 1932 and later in its homologue Article 173 of the Penal Code of 1969. This article reads:

1. Whoever disseminates writings, printed matter, photographs or other objects having a pornographic character, shall be subject to the penalty of deprivation of liberty for up to two years, limitation of liberty or a fine.

2. Whoever with the purpose of disseminating such writings, printed matter, photographs or objects, produces, stores, transfers, dispatches or transports them, shall be subject to the same penalty.

A complementary to this rule in Article 141 of the Code of Violations:

Whoever places indecent advertisement, inscription or design or uses indecent words incurs penalty liability of limitation of liberty, a fine up to 3000 zlotys or to a remand.

These bans have been confirmed in the rule contained in item 10 of Article 2 of 31st August 1981 concerning the control of publications and shows. This rule reads:

one cannot propagate the contents noxious morally, and in particular, alcoholism, drug addiction, cruelty and pornography.

2.9 The Scope of Law Enforcement Regarding Pornography

In Poland the prosecution of the offence of spreading pornography has been always of an incidental character. There has been a constant decrease in the number of convictions of this offence. This decrease has been characteristically regular. The data from the Ministry of Justice indicates that in 1954 the number of such convictions amounted to 62, in 1961 to 36, and after the year 1963 their number never reached 20. It was 11 in 1978, 19 in 1979, 11 in 1980, 6 in 1981 and 13 in 1982.

Another characteristic of this type of offence is the fact that courts have considered it fit, most often, only to impose a fine or a conditional discontinuance of criminal proceedings, which are the most lenient penal measures. In the case of fines, the courts have rarely imposed a fine higher than 10,000 zlotys. Taking these facts into consideration, it would be correct to say that the penal policy in this field has been decidedly liberalized.

2.10 Difficulties in Law Enforcement Regarding Pornography

The application of Article 173 of the Penal Code presents many difficulties in practice especially in connection with the interpretation of the term pornography and dissemination of pornography. One suggestion is to consider pornography as that which could spur the sexual excitability -- a definition that is not sufficiently precise. Further, it is difficult to distinguish works of art from pornographic productions because much depends on the reception of the content of the work and the perception of the spectator.

It could perhaps be presumed that the small number of convictions for offences related to pornography results from legal technicalities and difficulties associated with the definition of the offence. But also to be taken into consideration is the fact that, due to the unavailability of pornographic material in the Polish market, its display and distribution must necessarily occur in a very narrow and informal circle. Hence, prosecution becomes difficult because nobody among the persons participating is interested in reporting the crime to the criminal justice agencies.

2.11 Official and Unofficial Extent of Pornography

The statistical data of the Ministry of Justice indicates that the offence defined in Article 173 of the Penal Code was one of very rare occurrence. Only about a dozen persons appear before the courts annually. Very little is known about the unofficial extent of the offence but one can suppose, in spite of the lack of scientific research in the sphere, that the dark number is not too high. This is the opinion expressed by one student of the problem (Filar, 1979).

2.12 Attitudes of the Public Toward Pornography

Opinions and attitudes of the Polish public towards pornography are not exactly known. There is a lack of comprehensive research on the subject. However, one public opinion study has been conducted (Walsazek-Henzel and Filar, 1983). According to this study, the public concept of pornography consists of four determinants: nudity, vulgarization of sex, sexual acts and the lack of intimacy. A decisive criterion is the kind of sexual presentation. A classical sexual situation, natural and modest, is evaluated as pornography only to a small degree while the presentation of sexual acts wandering away from generally admitted patterns of sexual behaviour are evaluated as highly pornographic.

Polish society appears to be characterized by an average tolerance for pornography. There is a small group of people with a low tolerance for it as well as an equally small group with a high degree of tolerance. A slightly higher tolerance is characteristic of younger people, people with a higher education, irreligious people and people with a greater sexual excitability and smaller sexual inhibitions. The research also shows that contact with pornography leads to an increase rather than a decrease in the tolerance of this phenomenon. With the increase in education, urbanization and secularization of Polish society coupled with the simultaneous insignificant supply of pornographic materials, one could foresee the group of people having negative feelings about pornography decreasing and the tolerance of pornography increasing.

2.13 Movements Toward Changing the Legal Rules Concerning Pornography

Changes in the law concerning pornography in Poland has been suggested. The trust of these changes has been a total depenalization of the offence. The opinion has been expressed that making it a misdemeanour would not be sufficient (Filar, 1979). The basis of the proposal for depenalization are the arguments that:

1. the prosecution of the offence has always been incidental in Poland and there has been, in addition, a decreasing trend in these offences observed over the years;
2. the negative effects of pornography for individual and social moral standards has not been established. Neither has it been established that it constitutes a social danger. The penalization of the offence, consequently, has unfounded premises as its base. It is also contrary to the guidelines of legislative moderation;
3. the supply of pornographic material in Poland does not exist on a significant scale for the society and there is no indication that it will increase to a considerable extent in the future if the offence was to be depenalized;
4. given the availability of pornographic material in Poland, contact with pornographic material is not only absolutely voluntary, it even involves an active involvement of the individual.

2.14 References

J. Bafia, K. Mioduska and M. Siewierski: A Commentary to the Penal Code.
Warsaw, 1977.

S. Biczysko: An Attempt at Analysis of the Phenomenon of Prostitution in

- Poland. Criminalistic Problems. 74-75 (1968) 515-517.
- M. Filar: Contemporary Trends in Criminal Policy in the Field of Pornography Control. The State and Law. 1 (1979) 101-110.
- M. Jasinka: A Process of Social Deviation of Female Young Adults. Warsaw, 1967.
- J. Kwasniewski: Social Problems and Community Awareness. Unpublished text cited in J. Kwasniewski and A. Kojder: Attitudes of the Inhabitants of Warsaw Towards Deviant Phenomena and Behaviours. 1979.
- A. Walaszek-Henzel and M. Filar: Psychological Determinants and Dynamics of Attitudes towards Pornography. Criminological, Criminalistic and Penitentiary Studies. 14 (1983) 53-75.
- J. Wodz: Phenomena of Social Pathology and Social and Legal Sanctions. Ossolineum, 1973
- Other sources
- B. Holyst: Comparative Criminology. Lexington, 1983.
- B. Holyst: Kryminologia. Warsaw, 1979.

2.15 Acknowledgement

This chapter is based on information provided by Professor Dr. Brunon Holyst of the Institute of Crime Problems, Warsaw. The data for the Introductory Remarks was gathered by Miss Tamara Perera.

III. YUGOSLAVIA

3.1 Introductory Remarks

The Socialist Federal Republic of Yugoslavia is situated in the Balkan Peninsula and bordered on the north by Austria and Hungary, on the south by Greece and Albania, on the east by Romania and Bulgaria and on the west by Albania. It covers an area of 98,766 square miles and had a population of 22,418,300 in 1982. It is a multi-national state with a socialistic structure, composed of six constituent republics and two autonomous provinces.

Under the Constitution of 1974, the Government consists of a multi-chambered Federal Assembly (i.e. the Parliament), a President and a Federal Executive Council. The Government operates under a system of self management by member republics and local government organs. However, effective authority and control remain in the hands of the Communist Party known officially as the Yugoslav League of Communists.

Legislative power is vested in the bicameral national legislative body, the Federal Assembly, comprising the Federal Chamber and the Chamber of Republics and Provinces. The Federal Chamber consists of 30 deputies from each of Yugoslavia's six constituent republics and 20 from each of the two autonomous provinces, to give a total membership of 220. Delegates are nominated by the Socialist Alliance of the Working People, the country's only legal mass political organization, which is also directly under the control of the League of Communists. Although candidates need not belong to the League, the League controls the entire electoral process and no other political parties are permitted to operate. The Chamber of Republics and Provinces consists of

12 delegates from each Republican Assembly and eight from each Provincial Assembly to give a total of 88 members.

Prior to 1971, the executive government was headed by a President elected by the Legislative. Constitutional amendments passed in 1971 provided for a 22-member Collective Presidency. The Collective Presidency is composed of Republican and Provincial members chosen for five-year terms at a joint session of all the Chambers of the Republican and Provincial Assemblies. No delegate is permitted to serve more than two consecutive terms in the Collective Presidency. One member of the Collective Presidency is elected in rotation to act as titular Head of State for one year at a time. The country is governed, however, by the Collective itself.

A Federal Executive Council (i.e. Cabinet) has responsibility for the execution of policies determined by the Assembly. Its broad jurisdiction extends to all facets of the Federal system and marks it as the most important body in the government.

Yugoslavia has a four-tiered court system. There are Communal Courts, District Courts, Republican Supreme Courts and the Federal Supreme Court. In addition to these, there are Economic Courts, Military Courts and Special Constitutional Courts.

The lowest level of the system are the Communal Courts and the District Courts. Original jurisdiction in civil and criminal matters belongs to these courts unless another higher court has specifically been given jurisdiction to hear a particular case. The District Courts also serve as Appellate Courts for appeals on judgments rendered by the Communal Courts. The Republican Supreme Courts are the next level and at the top of the system are the Federal Supreme Court which supervises the administration of the law by all the courts

except the Constitutional Courts. These latter Courts were established in 1963 and are the only courts that have the authority to rule on matters of constitutionality.

The jury system does not exist in Yugoslavia. Cases are heard by professional judges and by lay or juror judges. The system was designed to provide citizens with a role in the administration of justice. All citizens over the age of 27 are theoretically eligible to sit as juror judges.

Prosecution of criminal cases is carried out by the Office of the Public Prosecutor, which is an autonomous body. There are Public Prosecutors in the Republics. They are appointed by the Republican Assemblies. However, they receive instructions from Federal Prosecution Officers.

The basic penalties for offences are the death penalty, strict imprisonment which involves minimum privileges and hard manual labour, limitation of civil rights, deprivation of the right to exercise a specified occupation or profession, confiscation of properties and fines. Although not classified as punishments, certain security measures are also provided for in the Penal Code that could be imposed coincidental with any punishment. These measures include placement in a hospital for custody, observation or treatment, forfeiture of personal property used in the commission of the crime and banishment of a convicted alien.

The death penalty, strict imprisonment and imprisonment can be imposed only as principal penalties and only when prescribed by law. The other punishments are imposed as accessory penalties.

Persons under the age of 14 are not held criminally liable for offences. All criminally responsible minors, 14 to 18 years of age, are subject to

trial but educational rehabilitation rather than penal detention is stressed as the preferred form of sentence.

Since 1977 each republic and province has its own criminal code. However, there is also the Criminal Code of the Socialist Federal Republic of Yugoslavia.

3.2 Existing Legislation on Prostitution

Prostitution per se is not a felony in Yugoslavia. It is only a misdemeanour against General Peace and Order. As such, it is under the jurisdiction of each socialist republic and autonomous province. Although the law does not differ considerably from one republic to another, there are differences especially in sanctions. The relevant sections are as follows:

SR Slovenia (Article 10/5):

Anybody who indulges in prostitution, participates in prostitution, authorizes it or supports it shall be punished by imprisonment for not more than two months.

SR Croatia (Article 2/19):

Anybody who indulges in prostitution shall be punished for misdemeanour by imprisonment for not more than 30 days.

SR Bosnia and Herzegovina (Article 2/19, 20):

Anybody who indulges in prostitution or who hires or cedes place for performing prostitution, anybody who misleads another to make a living by prostitution or who is accessory to the occurrence of prostitution shall be punished for misdemeanour by imprisonment for not more than 60 days.

SR Serbia (Article 2/19):

Anybody who indulges in prostitution or cedes place for performing prostitution shall be punished for misdemeanour against public order and peace by imprisonment for not more than 30 days.

SR Montenegro (Article 2/19):

Anybody who indulges in prostitution, anybody who misleads another to make a living by prostitution, cedes place for performing these activities or is in some other way accessory to the occurrence of prostitution shall be punished for misdemeanour by imprisonment for not more than two months.

SR Macedonia (Article 22):

Anybody who indulges in prostitution, misleads another to make a living by prostitution or who is an accessory to the occurrence of prostitution, as well as anybody who hires or cedes place for performing prostitution shall be punished by a fine from 300 to 500 dinars or by imprisonment for not more than 60 days. By a fine of 500 to 5,000 dinars shall be punished the hotel, guest house organization or private guest house worker and by a fine of 500 dinars shall be punished the responsible person in the tourist organization if he hires or cedes place for performing prostitution.

Some other acts directly related to providing sexual services for financial reward are incriminated either as felonies in the Federal Penal Code of in the Penal Code of each Republic. These acts are incriminated in the Federal Penal Code as "Intermediation in the Exercise of Prostitution" and in the Penal Codes of the Republics as Procuring. The relevant sections are:

Penal Code of SFRY: (Article 151) -- Intermediation in the Exercise of Prostitution:

Whoever recruits, induces, incites or lures female persons into prostitution, or whoever partakes in any way in turning a female over to another for the exercise of prostitution, shall be punished by imprisonment for a period from three months to five years.

If the offence described in paragraph 1 of this article has been committed against a female under age or by force, threat or ruse, the perpetrator shall be punished by imprisonment for a period of one year to ten years.

This article is in accordance with the International Convention on Repression and Abolition of White Slave Traffic and Exploitation of Prostitution Performed by Others of 2.12.1949 and was adopted by Yugoslavia on 28th December 1950.

Penal Code of SR Slovenia: (Article 105) — Procuring (alinea 2):

Anybody who for reward procures a female or procures opportunity for sexual intercourse or other sexual acts shall be punished by imprisonment for not more than three years.

Penal Code of SR Croatia: (Article 91) — Procuring (: alinea 1, 2):

Anybody who procures a juvenile person shall be punished by imprisonment from three months to three years.

By the sentence from alinea 1 shall be punished anybody who is for reward occupied with procuring females, or whoever for reward procures opportunities for illicit sex relations.

Penal Code of SR Bosnia and Herzegovina: (Article 96) — Procuring (alinea 3):

Anybody who for reward procures a female or whoever for reward procures opportunities for illicit sex relations, shall be punished by imprisonment for not more than three years.

Penal Code of SR Serbia: (Article 111) -- Procuring and Procuring Opportunities for Illicit Sex Relations (aline 2 and 3):

Anybody who procures opportunities for illicit sex relations with a juvenile person shall be punished by imprisonment for not more than three years.

By the sentence from aline 2 of this article shall be punished anybody who for reward procures a female or whoever for reward procures opportunities for illicit sex relations.

Penal Code of SR Macedonia: (Article 102) -- Procuring and Pandering (aline 3):

Anybody who for reward procures a female or whoever for reward procures opportunities for illicit sex relations shall be punished by imprisonment for not more than three years.

Penal Code of SR Montenegro: (Article 100) -- Procuring and Procuring Opportunities for Illicit Sex Relations (aline 3 and 4):

Anybody who for reward procures an adult female person or whoever for reward procures opportunities for illicit sex relations shall be punished by imprisonment for not more than three years.

If the acts outlined in aline 3 of the Article are committed against a juvenile person, the perpetrator shall be punished with imprisonment from one to ten years.

The new Criminal Codes came into effect in 1977. They contain, as far as prostitution is concerned, substantially the same provisions as the old Code which applied to all Yugoslavia. Since 1977 there have been no changes in the law on prostitution.

3.3 Scope of Law Enforcement Concerning Prostitution

Up to 1966 at each police station there were special teams of investigators dealing with the so-called offences such as prostitution, other sexual offences, pornography and the like. These teams kept a tab on these types of activities and occasionally conducted raids. After 1966, these squads were disbanded and the control of these offences passed into the hands of the regular police. Since now, no one really works on the problem except in cases where it was connected with some other crimes, no one pays much attention to it and hence the number of cases of prostitution known to the police has dropped significantly. Of course, there may be other reasons too for this drop.

Prostitution has changed its form considerably. In the past, prostitution was extant only in the big cities and harbours, now it has spread into the smaller towns as well. This spread has been mainly due to the patronage that has been given it by the tourist trade. There is a demand for it from foreigners and because of the financial gain that is involved, prostitution is tolerated and even encouraged by tourist workers, cab drivers, porters, waiters and the like who work for the tourist industry. Even so prostitution has not assumed considerable proportions nor could it be said to have become an alarming problem. Actually, the general opinion is that it has been decreasing in the last decade or two.

With regards to the scope of law enforcement in prostitution, there are a number of facts that have to be considered. First, prostitution is now not public in Yugoslavia. There are no street prostitutes and there are no prostitutes in public places. Their absence in public makes it not a threat to public morality and not a matter of public concern. The second factor that is worth consideration is the fact that prostitution has become modernized and

has assumed a business-like posture. As a result of this, prostitution is not associated with those other social problems such as alcoholism, child abuse and disease which really made prostitution the problem that it was. Third, is the fact that there has been a sexual revolution in the country and people have more opportunities for sexual relations. Hence the need for prostitution to cater to the needs of the local population has disappeared. Now, it caters mainly to tourists and mainly in tourist resorts on the Adriatic coast, in the ski resorts in the Alps and the like. Fourth, prostitution has found a place in the business world. Foreign businessmen come to Yugoslavia and ask for escort services which are sometimes provided by the company itself. Also there is a small white slave trade indulged in by foreigners.

3.4 Official and Unofficial Extent of the Problem of Prostitution

Official statistics do not represent the real incidence of prostitution in the country. These statistics reflect more police work and prosecution policy. The number of persons convicted under the Misdemeanours against General Peace and Order: Prostitution, Providing Places for Prostitution and being an accessory to Prostitution, in Yugoslavia and in the SR Slovenia during the period 1977 through 1983 are shown in Table 3.1. Apparently about 70% of those accused of prostitution are convicted. Babic (1971) reported that there were in 1968, 1,848 persons accused of prostitution and of these 1,338 or 72% were convicted. Hence, the number of persons charged for prostitution and prostitution related offences are not much different. The numbers convicted of the criminal offence under Article 251 of the Criminal Code of SFRY and Article 105 of the Penal Code of SR Slovenia are shown in Table 3.2. These figures indicate the problem to be officially of very small dimensions.

Table 3.1 Number of Persons Charged under Misdemeanours against General Peace and Order: Prostitution Providing places for Prostitution and being Accessory to Prostitution in Yugoslavia

Year	Yugoslavia	Slovenia
1977	475	54
1978	572	40
1979	527	26
1980	355	11
1981	285	3
1982	343	16
1983	448	5

Table 3.2 Number of Persons Convicted under Article 251 of the Criminal Code and Article 105 of the Penal Code of SR Slovenia in Yugoslavia

Year	Yugoslavia	Slovenia
1977	5	1
1978	4	1
1979	0	1
1980	3	0
1981	3	1
1982	2	1

A study made by Kuhajda (1974) revealed the number of prostitutes in the autonomous province of Vojvodina during the period 1966 through 1968 to be 392, 416 and 217 respectively. The number suffering from venereal disease among them were found to be 39 in 1966, 48 in 1967 and 43 in 1968. In 1966, 41 of the prostitutes were found to have been alcoholics, in 1967, 24 and in 1968, 17.

Pihler (1974) analyzed criminal offences against human dignity and morals in SR Serbia. He found that during the period 1963 through 1972 there were only 18 cases of "intermediation in the exercise of prostitution" and 40 cases of "procuring". Thomasevic analyzed misdemeanours connected with prostitution in his study of "Tourist Crime" in Dalmatia during the period 1971 through 1975. The total number of such offences was 324 with the highest number of 72 occurring in 1971 and 1974 and the lowest of 50 occurring in 1972. Most of the offences were committed in the big tourist cities like Split, Dubrovnik and Zadar. Until 1960 Split, which is a big tourist resort and harbour, had what was called port prostitution. The police started registering the prostitutes. That year, 1960, there were 149 registered. Thereafter there was a decrease in the number of prostitutes. In 1971 there were only 43 registered. There was also a decrease in street prostitution.

3.5 Public Attitudes Towards Prostitution

There have not been many public opinion polls conducted on the subject of prostitution in Yugoslavia. There was one study of public opinion conducted in the autonomous province of Vojvodina. This study showed that the people had a negative attitude towards prostitution and that many felt that there was a problem of prostitution in the country. They also felt that

prostitution was immoral, not good for the younger generation and was conducive to the generation of social problems and the spread of venereal diseases (Kuhajda, 1974).

A small public opinion survey undertaken specifically for this study in Ljubljana revealed that 40% of the people believed that there was no problem of prostitution in Yugoslavia, 26% believed that there was a problem and 34% either did not want to answer or did not know whether a problem existed or not.

3.6 Public Movements in Connection with Prostitution

There are, in Yugoslavia, no public movements either to change the existing law on prostitution or to get better enforcement of the existing law.

3.7 Existing Law on Pornography

The offences connected with pornography are under federal jurisdiction. Production and dissemination of obscene writings is a felony and is incriminated in Article 252 of the Criminal Code of SFRY. Article 252, Production and Dissemination of Obscene Writings, reads:

Whoever produces, sells, disseminates, publicly exhibits, or procures or keeps in his possession for sale, writings, pictures or other objects grossly offensive to morality shall be punished by fine or imprisonment for one more than one year.

Objects enumerated in paragraph 1 of this article shall be confiscated.

This law has not been changed with the new criminal legislation, in 1977. It is the same as it used to be in the old Criminal Code of 1951. It is based on the Agreement on Repression of Trade of Immoral Publications adopted in Paris in

1910 and on the International Convention on the Repression of Traffic and Trade with Immoral Publications adopted in Geneva in 1923, both of which were amended in 1947 and 1949 and ratified by Yugoslavia in 1951.

3.8 Scope of Law Enforcement Regarding Pornography

There is, in Yugoslavia, some soft core pornography in weekly magazines and journals and though there is some criticism of them there is no real objection and has not involved any judicial action either. There are also films which could be classified as "soft porn" films -- films like Emmanuelle -- which are presented daily in Yugoslavian cinemas.

As far as hard core pornography is concerned it is not possible to buy it legally in Yugoslavia nor is it readily available in the country. People sometimes bring films, brochures, video-cassettes and books from other countries but these are mainly for their personal use and shared among friends and relatives. These are not readily available in the country.

The police do not have a problem with pornography. There have been only a few cases. However, this does not mean that there is no "dark field".

There have been some questions of interpretation about the terms displaying and dissemination. In this connection, courts have held that displaying pornographic pictures to acquaintances who were seated at the same table in a coffee house was in fact a public exhibition in the sense of Article 252 (Decision of Municipal Court in Arilj K n. 12/70 and in Pirot K no. 243/70). The courts have also decided that a presentation of a short pornographic film to a limited group of people in the place where they were employed was a public exhibition in the sense of Article 252 (Decision of Municipal Court in Titova

Uzice, K no. 187/70). The same court decided that making a present of a black and white pornographic film to an acquaintance was dissemination in the sense of Article 252. These decisions have been criticized as being too narrow (Stojanovic, 1977).

3.9 The Official and Unofficial Extent of the Problem of Pornography

The official statistics of persons convicted of the felony connected with pornography is presented in Table 3.3. The figures show a decrease during the period 1962 through 1982. Though the decrease does indicate in the strict

Table 3.3 Number of Persons Convicted under Article 252 of the Criminal Code of a Felony connected with Pornography in Yugoslavia

Year	Number
1962	43
1963	37
1964	19
1965	24
1966	15
1967	11
1968	13
1969	7
1970	15
1971	10
1977	15
1978	5
1979	0
1980	5
1981	5
1982	2

sense a decrease in incidence, it could reflect, as well, a more tolerant attitude of public prosecutors and courts (Stojanovic, 1977). It can also reflect a more tolerant public attitude.

In connection with the incidence of this offence, it should be noted that there are no special officers assigned to investigate these offences. The problem is left to the regular police officers who seem to believe that it would be sufficient if only the sale and distribution of great quantities of pornographic literature were prosecuted.

3.10 Public Attitude Towards Pornography

There have been some public opinion polls taken regarding attitudes towards the publication of nude pictures in magazines like Playboy as well as in daily newspapers and magazines published in Yugoslavia. In a poll conducted by the Institute of Social Sciences in Belgrade in 1970 the question was asked whether pictures and articles about sexual relations bothered the respondent. Against such publication was 37% of the sample. Considering the publication a good thing was 10% mostly the young and intellectuals. Indifferent about such publication was 44%.

There have also been some critical articles against the use of erotic pictures and about the discussion of sexual matters in the daily newspapers and magazines (Lovric, 1976; Drakulic-Ilic, 1982).

A study of public opinion towards pornography conducted by the Institute of Sociology in Ljubljana showed that students were very tolerant towards what was considered pornographic. Almost 30% of them thought that there was no pornography at all while most of them thought that the question was really one of aesthetics rather than one of morality (Jazernik, 1979).

The public opinion study conducted specifically for this study found 61% of the sample expressing a tolerant attitude towards pornography, 21% found such material obnoxious while 18% approved of it.

3.11 Movements to Change the Laws Regarding Pornography or to Get Better Enforcement of Existing Laws

There are really no such moves but there are authors who think that Article 252 should be altered. They think that making these materials available to minors should be criminalized (Stojanovic, 1977).

3.12 References

- G. Babic: Psoredovanje u vrsenju prostitucije kao faktor njenog sirenja. 13.Maj 3 (1971) 14-23.
- B. Drakulic: Neki to vole golo. Vjesnik. Zagreb 20.2.1982.
- M. Jezernik: Cutna ljubezen Slovencev. Teleks. Ljubljana 22.6.1979.
- V. Kuhajda: Posledice prostitucije u vojvodini. 13.Maj 9 (1974) 42-52.
- J. Lovric: Seks bez zadrsk-porez sa zadrskom. VUS. Zagreb 6.11.1976.
- S. Pihler: Pbim, strukture i ucestalost krivicnih dela protiv dostojanstva licnosti i morala sa posebnim osvrtom na podrucje uze Srbije. Zbornik institute za kriminoloska i socioloska istrazivanja. 3 (1974) 172-202.
- S. Stojanovic: Krivicnopravni aspekt pornografije. Jugosloveska revija za kriminologiju i krivicno pravo. 1 (1977) 95.

3.13 Bibliography

A. Prostitution

- 1) Babić, G: Posredovanje u vršenju prostitucije kao faktor njenog širenja. 13.Mag, Beograd 1971 št. 3, s. 14-23.
- 2) Babić, G.: Sociološki i pravni pristup proučavanju prostitucije. Društvena patologija u Jugoslaviji. Beograd 1969.
- 3) Kuhajda, V.: Posledice prostitucije u Vojvodini. 13.Mag, Beograd 1974 št. 9, s. 42-52.
- 4) Tomašević, G.: Prekršaji u vezi s turizmom. Turistički kriminalitet i njegova prevencija. Reditelj A. Carić. Split 1981, s. 393.
- 5) Zvodništvo, posredovanje pri prostituciji in trgovina z belim blagom. Varnost, Ljubljana 1970 št. 5, s. 229-236.
- 6) Pavelić, M.: Prostitucija i kriminalitet. Priručnik, Zagreb 1977 št. 1, s. 11-16.
- 7) Pihler, S.: Obim, struktura i učestalost krivičnih dela protiv dostojanstva ličnosti i morala sa posebnim osvrtom na područje uže Srbije. Zbornik instituta za kriminološka i sociološka istraživanja, Beograd 1974 št. 3, s. 173-202.
- 8) Šuvar, S: Prostitucija u Jugoslaviji, Danas, Zagreb 22.6.1982.
- 9) Čičmirko, Z.: Ljubav na tezgi. VUS, Zagreb 26.2.1969.
- 10) Stres, F.: Izumiranje najstarejše obrti. Teleks, Ljubljana 18.2.1982.
- 11) Podbevšek, A.: Se Greto je povozilo. Jana, Ljubljana 16.5.1979.
- 12) Dvoršak, A.: Skrita jata noćnih ptic. Nedeljski dnevnik, Ljubljana 20.1.1980.
- 13) Krivični Zakon SFRJ. Zbirka krivičnih zakona. Beograd, Službeni list 1977, s. 91,92.

- 14) Krivični zakon SR Bosne i Hercegovine. Zbirka krivičnih zakona. Beograd, Službeni list 1977, s. 135.
- 15) Krivičen Zakon na SR Makedonija. Zbirka krivičnih zakona. Beograd, Službeni list 1977, s. 212.
- 16) Krivični zakon SR Srbije. Zbirka krivičnih zakona. Beograd, Službeni list 1977, s. 372.
- 17) Krivični zakon SR Hrvatske. Zbirka krivičnih zakona. Beograd, Službeni list, s. 443.
- 18) Krivični zakon SR Crne Gore. Zbirka krivičnih zakona. Beograd, Službeni list 1977, s. 517.
- 19) Kazenski zakon SR Slovenije, Zbirka krivičnih zakona. Beograd, Službeni list 1977, s. 293.
- 20) Zakon o javnom redu i miru. Službeni list SR Bosne i Hercegovine, Sarajevo 1980 št. 31, s. 1189.
- 21) Zakon za prekršocite protiv javniot red i mir. Službeni list SR Makedonije, Skoplje 1972 št. 25, s. 545.
- 22) Zakon o prekrških zoper javni red in mir. Uradni list SR Slovenije, Ljubljana 1974 št. 16, s. 854.
- 23) Zakon o javnom redu i miru. Službeni list SR Crne Gore, Titograd 1975 št. 14, s. 153.
- 24) Zakon o prekršajima protiv javnog reda i mira. Službeni list SR Hrvatske, Zagreb 1977 št. 41, s. 561.
- 25) Zakon o prekršajima protiv javnog reda i mira. Službeni list SR Srebije, Beograd 1975 št. 11, s. 209.

B. Pornography

- 1) Stojanović, Z.: Krivičnopravni aspekt pornografije. Jugoslovenska revija za kriminologiju i krivično pravo, Beograd 1977, št. 1, s. 95.
- 2) Jezernik, M.: Čutna ljubezen Slovencev. Teleks, Ljubljana 22.6.1979.
- 3) Drakulić, S.: Neki to vole golo. Vjesnik, Zagreb 10.2.1982.
- 4) Milošević, B.: Dole smokvin list. Nin, Beograd 22.11.1970.
- 5) Lovrić, J.: Seks bez zadržske-porez sa zadržskom. VUS, Zagreb 6.11.1976.
- 6) Krivični zakon SFRJ. Zbirka krivičnih zakona. Beograd, Službeni list 1977, s. 92.

3.14 Acknowledgements

This chapter is based on information provided by Dr. Darko Maver of the Institut za kriminologiju pri pravni fakulteti in Ljubljana. The data for the Introductory Remarks was gathered by Miss Tamara Perera.

IV. HUNGARY

4.1 Introductory Remarks

The Hungarian People's Republic is a small landlocked state in central Europe occupying most of the low-lying central portion of the middle basin of the Danube River. It covers an area of 35,920 square miles and had a population of 10,702,000 in 1982. It belongs politically, militarily and economically to the block of Soviet satellites that fringe the western borders of the U.S.S.R. It has been under communist rule since the end of World War II.

Under the Constitution of 1949, which is, for the most part, a verbatim translation of that of the U.S.S.R., Hungary is a People's Republic of the conventional type. It has a bipartite government consisting of the parliament (the National Assembly) and the Council of Ministers which serves as the executive. Real power, however, is held by the Communist Party, headed by its First Secretary, the Politburo and the Central Committees.

Constitutionally, the highest organs of state power are the National Assembly and the Presidential Council. The National Assembly is an unicameral chamber consisting of 349 members elected for a four-year term by universal adult franchise. It only meets three or four times a year and that, too, for a short period of time, just long enough to approve what has been done by the executive. The Presidential Council is a 21-man body elected by the National Assembly. It supervises the administration of the State and assumes legislative authority when parliament is not in session.

The top administrative organ is the Council of Ministers whose members are elected and removed by parliament on the advice of the Presidential Council. It consists of 24 members and is responsible for the

direction of the work of the country's 16 ministries. It often issues decrees which carry the force of law even though they have not been submitted to and passed by parliament.

The President of the Presidential Council is the Head of State. The Chairman of the Council of Ministers is the country's Premier. The real control of the country lies in the hands of the Communist Party, officially known as the Hungarian Socialist Workers' Party. Theoretically, the supreme body of the party is its Congress which meets once in four years to elect the Central Committee which in turn elects the Politburo and the three Party Secretaries. In practice, the First Party Secretary holds the greatest power in the country.

Economic, social and cultural activities on the local level are administered by a hierarchy of locally elected councils, each of which is responsible to the territorial authority immediately above it. Hungary has 24 major administrative units -- 19 counties and five cities with county status, all of whose councils are responsible directly to the Central Council of Ministers.

The court system of Hungary is modelled after that of the Soviet Union and consists of three levels -- the Supreme Court, County Courts and District Courts. Military Courts and Labour Courts fall into a special category. The District Courts serve as courts of first instance in all types of disputes. The Labour Courts are largely concerned with judging appeals from the decisions of Labour Affairs Arbitration Committees, which deal with workers' matters. Military Courts deal with all crimes committed by members of the armed forces and also those committed by civilians which are considered harmful to the national interests. Appeals from these courts are carried directly to the Supreme Court.

The County Court acts as the court of first instance in serious cases such as murder, wilful homicide and grave crimes against social property and in civil suits of a certain magnitude directed against the State, government officials of socialist enterprises. The Supreme Court acts as the final court of appeal for all lower courts. It is divided into five councils for this purpose -- civil, criminal, economic, labour affairs and military. Important cases may be heard by the Supreme Court in the first instance.

Supervision of the court system is granted the Supreme Court and the Ministry of Justice. The Supreme Court is given the power to issue guideline principles or decisions in principle in the interests of guaranteeing uniformity of judicial practice. The Minister of Justice supervises the general operation of the courts.

Supervision of the observance of law is vested in the Supreme Prosecutor. He heads a hierarchy of public prosecution offices organized on the national, county and district levels. He is responsible for criminal investigation and prosecution as well as the supervision over the legality of the actions of the state, social and cooperative organs. Only the highest organs of the state are excluded from the authority of the public prosecutor.

Crimes against the State, the socialist party, or society in general are considered more serious than those against the person or private property. In the early 50s, the political police kept all Hungarians under surveillance and routinely arrested people without legal justification. The accused were forced to admit their guilt at show trials based on falsified evidence and were sentenced to death or long terms of imprisonment. After 1958 these political crimes have decreased greatly and in the 1970s there have been only one or two such cases investigated each year.

Alcoholism is a major problem in Hungary. A large percentage of crimes are committed under the influence of alcohol. The country had the highest suicide rate in the world in the 1970s.

4.2 The Existing Law on Prostitution

The law dealing with prostitution is found in the Penal Code — Act IV of 1978. Section 204 of this Code reads:

A person who has sexual intercourse or performs sexual acts as a trade commits a misdemeanour and shall be punished with deprivation of liberty up to one year or with reformatory and educative labour or with a fine. Local banishment may be applied as a supplementary punishment.

According to this section the perpetrator of prostitution may be either a man or a woman. Sexual acts between men and women as well as between persons of the same sex, may constitute the perpetration of the act. Sexual act is to be understood as any gravely obscene act fit to arouse sexual desire to to satisfy that desire, but does not include sexual intercourse. A person has sexual intercourse or performs sexual acts as a trade if the purpose of such conduct is to achieve a regular financial gain.

Prostitution is perpetrated for financial gain. The perpetrator enters into sexual contact with different persons more or less casually and is uninterested in the person of his or her sexual partner. The offence as defined in section 204 is not committed if the sexual affair is not or is not completely based on financial factors and has some more intimate emotional factors also involved. A person who changes his or her sexual partners for reasons that are not of a financial nature may not be punished for this offence.

According to the Code, the criminal offence is constituted only if a person engages in the mentioned sexual activities several different times. The conduct displayed one single time, however, may qualify as an administrative infraction.

If prostitution is perpetrated by a person under 18 years of age, the instigator shall be punished for the graver offence of Endangering a Minor under section 195 or the Sexual Corruption of Minors under section 201.

Section 204 of the Penal Code reads:

A person who permits his home to be used by another person for the purpose of prostitution commits a misdemeanour and shall be punished with deprivation of liberty up to five years.

A person who induces another to take up prostitution or runs or operates a house of prostitution, commits a felony and shall be punished with deprivation of liberty up to three years.

Paragraph 1 of this section declares conduct which is conceptually aiding prostitution to be "sui generis" a criminal offence. The perpetrator of the offence can be anybody, who has a place of dwelling -- owner, tenant, subtenant, etc. Home is to be understood as any room of the place of dwelling.

The permission to use the home may be given for a single occasion or for a longer period of time or permanently. The permission must be given for the purpose of prostitution. However, it does not necessarily mean the criminal offence of prostitution. The person giving the permission is responsible under section 205 even if the committed prostitution is only an administrative infraction or the perpetrator is not punishable due to any other reason. The definition of the act does not make it necessary that the home is permitted to be used for payment, although that is the situation in the typical case.

The first part of paragraph 2 is made to be a "sui generis" offence in order to render possible the employment of a more severe punishment than in the case of section 204.

The second part of paragraph 2 defines a criminal offence that practically can never be committed in Hungary for all forms of prostitution are prohibited in the country. Its inclusion in the Code is explained in terms of the New York Convention of March 21, 1950 and enacted in Hungary by Law Decree No. 34 of 1955.

Section 206 reads:

A person who permits himself to be kept, entirely or partly, by a prostitute commits a felony and shall be punished with deprivation of liberty up to three years. Local banishment may be applied as a supplementary punishment.

Being kept by a prostitute represents an illegal source of income. The offence is not committed by the person whom the prostitute is obligated to support by the virtue of law.

Being kept entirely by a prostitute calls for no explanation. Being kept partially by a prostitute means receiving regular and not insignificant financial benefits which substantially improve the living standards of the kept person. The perpetration is not excluded by the fact that the perpetrator has an income from other sources that provides him with adequate means of living.

If the violator of this section, in addition to being kept, instigated the prostitute to commit prostitution, he is not considered to have committed two separate offences. Neither is it a separate offence if he also permitted the use of his or her home for the purposes of prostitution. Neither is the offender

considered to have committed the offence of Penal Unwillingness to Work in association with the violation of this section.

Section 207 reads:

A person who, with the purpose of gaining profit, procures a person for another for sexual intercourse or for a sexual act, commits a felony and shall be punished with deprivation of liberty up to three years.

The punishment is deprivation of liberty from one to five years when procuring is committed as a trade.

The punishment is deprivation of liberty from two to eight years if procuring is committed:

- a. to the injury of a kin, or a person under the education, in the charge or care of the perpetrator, or to the injury of a person who is less than 18 years old;
- b. by deception, duress or direct threat against life or bodily integrity;

A person who agrees to the perpetration of procuring defined in paragraph 2 commits a felony and shall be punished with deprivation of liberty up to three years.

Paragraph 1 defines the basic varieties of procuring. The victim of the offence may be a man or a woman. Among the elements of the definition, sexual act means both heterosexual as well as homosexual activity.

Procuring is a broader concept than persuading someone to have sexual intercourse or to perform sexual acts. It includes all types of conduct by which the perpetrator creates the possibility for others to have sexual contact, whether the partners agreed to have the contact or not.

One of the persons put into contact by the procurer may be a prostitute. In addition to procuring, the instigation of this person to commit prostitution may not be taken separately into account neither may the offence defined in section 205, paragraph 1.

The offence of being kept by a prostitute and the basic variety of procuring may be cumulated if the kept person having that relation with the prostitute procured the partners for each other.

According to paragraph 2 procuring performed as a trade shall be punished more severely since it is a particularly dangerous form of offence. For the concept of performing "as a trade" the rule included in section 137, item 7, is governing.

Item a of paragraph 3 defines a graver variety, evaluating the fact that the perpetrator committed the offence against a victim for whom he or she has increased responsibility or against someone who needs stronger protection.

Item b of paragraph 3 prescribes more severe punishment for the forms of procuring that are particularly dangerous owing to the manner of perpetration. With the deception, the perpetrator causes the victim to be mistaken or wrong about the perpetrator's real intentions.

For the interpretation of duress and direct threat against life of bodily integrity, the explanations given by the motivations for section 197 are governing.

Paragraph 4 of section 207 orders the punishment for making an agreement for committing procuring as an extremely dangerous form of conduct of preparation.

4.3 Changes in the Law on Prostitution: Historical Antecedents

Before World War II, prostitution was tolerated in Hungary and was placed under state administrative supervision and medical control. In 1943 there were 3412 professional registered prostitutes in Budapest. In 1947 only

1363 persons registered and applied for a licence to carry on prostitution. The number of registered prostitutes was gradually declining. In 1949, the number registered and licensed as prostitutes was only 460.

On June 28th, 1950, a decree was issued that ordered the brothels to be closed and terminate their operations. The closing down of the brothels led to clandestine prostitution. For that reason Law Decree No. 17 of 1955 declared prostitution to be a criminal offence. According to section 6 of this Law Decree

A person who engages in prostitution or allows his home to be used for the purpose of prostitution commits a criminal offence and shall be punished with imprisonment up to two years.

In 1961, Act V which described in detail the criminal offences related to prostitution was passed. Section 283 of this Act reads:

A person who has sexual intercourse, performs homosexual acts or other sexual acts as a trade shall be punished with deprivation of liberty up to one year.

The punishment shall be deprivation of liberty up to three years if the perpetrator is a recidivist. Recidivism shall be interpreted according to Section 214, paragraph 3.

Section 284 reads:

A person who induces another to commit prostitution shall be punished with deprivation of liberty from six months to five years.

Section 285:

A person who lets his home be used by another person for practising prostitution shall be punished with

deprivation of liberty up to three years.

The same punishment shall apply to a person who operates or runs a house of prostitution or provides the financial funds for such an operation or participates in providing such funds.

Section 286:

A person who allows himself to be kept entirely or partly by a prostitute shall be punished with deprivation of liberty up to three years.

The punishment shall be deprivation of liberty from six months to five years if the perpetrator is a recidivist. Recidivism shall be understood in accordance with Section 214, paragraph 3.

Section 287:

A person who, with the purpose of gaining profit, procures a person for another for sexual intercourse out of wedlock or for homosexual or other sexual act shall be punished with deprivation of liberty up to three years.

The punishment shall be deprivation of liberty from six months to five years if the perpetrator

- a. carries on procuring as a trade;
- b. is a recidivist. Recidivism shall be understood in accordance with Section 214, paragraph 3.

The punishment shall be deprivation of liberty from two years to eight years if procuring

- a. is committed to the injury of the perpetrator's kin or to the injury of a person under the education, supervision or care of the perpetrator or to the injury of a person under 20 years of age;
- b. is committed through deception, duress or by employing direct threats against life or bodily integrity.

A person who engages in forming an association with the aim of committing procuring as defined in item a. of paragraph 2 shall be punished with deprivation of liberty up to three years.

This Act, thus, criminalizes prostitution (section 283), inducing prostitution (section 284), facilitating prostitution (section 285), being kept by a prostitute (section 286), and procuring (section 287). This Code prescribed more severe punishments than the Penal Code in force at the present time. In the Penal Code, in addition to the less severe deprivation of liberty, other sanctions such as fines, reformatory educative work and the like also appear.

4.4 The Scope of Law Enforcement

Phenomena belonging to the realm of prostitution are infrequently reported to the police because it is in the interest of both the prostitute and the client that their contact be kept secret. Prostitution, however, is brought to the attention of the police in a number of ways. The client of the prostitute could bring the prostitution to the notice of the police if the prostitute commits some criminal offence against the customer. There is a connection between prostitution and many other forms of criminality and customers might find themselves robbed or their bodily integrity endangered by the prostitute and her accomplices.

A second way in which the police become aware of prostitution is when people in the neighbourhood of the prostitute's place of operation complain about the activity. The police can also stumble on prostitution in the course of their regular or routine operations.

Prostitution can be committed individually by a single prostitute or by loosely organized small groups of prostitutes. Group prostitution occurs exclusively in big cities, mostly in Budapest. The groups are formed around apartments suitable for prostitution, around a single room or around an empty

shop. Sometimes the group members are connected to one another through a kept man or pimp or a common procurer. From the point of view of public safety and criminality, prostitution committed in groups showing a certain level of organization represents a primary danger. For this reason, when a complaint is made or information regarding prostitution or a subsidiary offence is received, it is investigated fully, even though there may be no organized group behind it.

The police also obtain information regarding prostitution through "workshy" persons -- persons who are charged with the offence of a criminal unwillingness to work. A significant percentage of the women operating as prostitutes have regular employment. There are however, some who do not work. They get all their income from prostitution. The part time prostitutes also get the major part of their income from prostitution.

There are some who have expressed the view that the customer of a prostitute should also be called to account as an accomplice since it is the customers who render the operations of prostitutes possible. This view has, however, not been accepted as legal policy.

One obstacle to the enforcement of the law has been the delay in disposing of these cases and the levity of the punishment that is handed out to prostitutes. In recent years the punishment meted out in prostitution cases was one year deprivation of liberty in general. It is not infrequent that the punishment is only six or eight months. The sentences imposed by the courts do not have adequate restraining force. Also the disposition of the cases takes a long time. Oftimes it takes one or two years. Meanwhile the prostitute who is not under detention is able to carry on her prostitution.

4.5 The Extent of Prostitution

The number of persons convicted of prostitution during the period 1973 through 1983 is shown in Table 4.1. The figures are from the national statistical data of the Ministry of Justice. It should be noted that if the prostitute is charged with a graver offence as well, then the statistics show only the graver offence. Consequently, prostitution is in reality a much greater problem than these figures indicate.

Table 4.1 Number of Persons convicted of Prostitution in Hungary

Year	Number
1973	142
1974	134
1975	95
1976	68
1977	117
1978	65
1979	60
1980	65
1981	63
1982	42
1983	50

Source: National Statistic data of the Ministry of Justice.

The number of cases of prostitution and related offences in Belgrade are shown in Table 4.2. The figures show considerable annual variations which is attributable to changes in the intensity of police activity. The data concerning Budapest accounts for about 80% of the national data.

Table 4.2 Cases of Prostitution and related offences in Budapest

Year	Prostitution	Facilitating Prostitution	Procuring	Being Kept by a Prostitute
1973	136	29	29	15
1974	123	26	26	10
1975	81	13	13	4
1976	114	17	17	13
1977	126	18	3	16
1978	81	13	1	4
1979	74	39	2	16
1980	68	7	3	5
1981	80	27	1	25
1982	58	34	0	11
1983	59	26	5	31

Whatever the figures indicate, the likelihood is that the incidence of prostitution has not changed much during the last ten years.

4.6 Problems Connected with Prostitution

There are several types of prostitution in Hungary. First of all there are the prostitutes who cater to tourists. This group came into being from about 1964. At the beginning it comprised mainly educated women but not there appears to be more uneducated women in this group.

The second type of prostitute is the street prostitute who picks up the customer from the streets. This group appears to be spreading to other public places as well and they are being found in first class places of entertainment. This development raises the possibility of a union between prostitution and other criminal elements.

A third group that is developing is what is called latent prostitution. The people engaged in this type of prostitution have proper homes and work and engage in prostitution only occasionally for the extra money that they can make.

One of the major problems associated with prostitution is the spread of venereal disease. By the end of the 50s, venereal diseases were practically eliminated in Hungary but from about the middle of the 60s the almost eliminated venereal diseases began to appear again. The number of patients treated for venereal diseases 1980 - 1984 in Budapest is shown in Table 4.3. No accurate data are available for the earlier years.

Table 4.3 Number of Patients treated with Venereal Disease in Budapest

Year	Syphilis	Gonorrhea	Other
1980	204	3811	n.a.
1981	341	4857	n.a.
1982	337	4722	n.a.
1983	185	4421	2306
1984*	66	1231	800

* January through April.

4.7 Movements for the Change of Laws or Enforcement of Laws

There is a demand on the part of the police for the better implementation of the laws but so far as the public is concerned there is no such demand. They appear to be unaware of the existence of any problem.

4.8 Existing Laws Against Pornography

The existing law on pornography is found in the Penal Code, Act IV of 1978. Section 272, the relevant section, reads:

A person who puts on the market or exhibits obscene objects or produces or acquires such with the aim of putting them on the market or of exhibiting them, commits a misdemeanour and shall be punished with deprivation of liberty up to one year.

The Code classifies this misdemeanour, called commonly pornography, among offences against public order, more specifically among offences against public peace.

In the explanation of the section, identified as Ministerial Motivations for the Act, is stated:

Both sanctimonious hypocrisy and the extreme uninhibited sexual indecency are far removed from socialist morals. Socialist morality is for openness and for the enlightenment of the masses also in issues related to sexual life but it disapproves of sexual looseness and particularly of the business oriented exploitation of sexuality. The means of criminal law are also used against creations bearing only the semblance of art and not having intellectual content that could in the better case draw the attention of the young from more valuable aims or, in the worse case, could render young people to be slaves of harmful and unhealthy habits or aberrations.

An obscene object is a thing related to sexual life or a literary work of similar contents that offends the sexual

morals prevailing in society. In turn, works dealing with sexual life with scientific or educative aims do not belong among obscene objects, neither are obscene objects the representations of the human body with the same aims or for artistic purposes. Of course, a definition of such precision on the basis of which scientific and artistic creations, on the one hand, and pseudo-scientific pornography and immorality represented on the pretense of art, on the other hand, could be clearly distinguished, cannot be formulated. Such issues have to be decided by the trier of the issue.

The products of pornography are commodities by nature of their subject matter. They become dangerous to public order when their marketing or exhibition creates a way for them to get to the public. Without that they do not disturb public peace.

For this reason, the Draft orders for the production or acquisition of obscene objects to be punished if it is done with the purpose of putting them on the market or of exhibiting them. Their exhibition or marketing, themselves, are punishable acts in any case.

4.9 Changes in the Law on Pornography

In the earlier Hungarian Penal Codes, the definitions of offences aimed at the control or pornography were regulated, included among offences against sexual morals. In the first decade of this century, due particularly to the development of printing and film technology, the various ways of representing sexuality and selling pornographic material became a wide-spread practice. On September 12, 1923, several European states signed an international convention on the control of the circulation of obscene objects. Hungary enacted the resolutions of the convention in 1929 by Act VII, satisfying the requirements of employing the uniform means of criminal law against pornography. Essentially it was the penal provisions of that time which have provided the foundations of the provisions of penal law in force at present.

In 1961, pornography was defined as an offence against decency in Chapter XV of Act V of 1961 -- the Penal Code of 1961. Section 288 of that Code reads:

A person who puts an obscene object on the market, lends such objects as a business enterprise, exhibits an obscene object or promotes its circulation, produces or acquires such an object with the purpose of marketing or exhibiting it, shall be punished with deprivation of liberty up to one year.

If a graver offence has not been committed, the same punishment shall apply to the person who commits an obscenity in the presence of others on more than one occasion.

4.10 The Scope of the Problem of Pornography

Recently as a result of the development of the tourist industry, there has been an increase in the frequency of the appearance of pornographic literature and films. These are brought in sometimes by foreigners visiting Hungary and sometimes by returning Hungarian tourists travelling abroad. This pornographic material is not put into circulation. Rather it is shown among friends.

Unauthenticated information indicates that during the last few years, certain privately managed catering units, show, strictly behind closed doors, sex or porno films to trustworthy persons.

4.11 Extent of the Problem of Pornography

During the last ten years there has been no person charged or convicted of pornography in Hungary.

4.12 Public Attitude Towards the Problem

No polls have been conducted and no data is available.

4.13 Movements to Change the Law of its Enforcement

None known.

4.14 References

4.15 Bibliography

- 1) Büntető Torvénykönyv/Penal Code/Közgazdasági és Jogi Könyvkiadó, Budapest, 1979.
- 2) A Magyar Népköztársaság Büntető Törvénykönyve/The Penal Code of the Hungarian People's Republic/Közgazdasági és Jogi Könyvkiadó, Budapest, 1962.
- 3) Igazságügyi statisztika/Statistics of the Administration of Justice/Publication of the Ministry of Justice, 1983.
- 4) Bodgál-Bodrogi-Erdőssy-Fonyó-Gál-Gáspár-Kovács-Pintér-Wéber: Magyar Büntetőjog, Különös Rész/Hungarian Penal Law/ Special Part/B.M. Könyvkiadó, Budapest, 1981.
- 5) Bócz, Endre: "Gondolatok a bűnöző életmód fogalmáról, fajairól, értékeléséről"/Thoughts concerning the conception, types and the significance of the criminal way of life/ Belügyi Szemle, 1982, No. 2.
- 6) Heller, Farkas Tamás: "A prostitúció időszerű Kérdései"/The present problems of prostitution/ Belügyi Szemle, 1965, No. 7.
- 7) Kovács, Lajos: "A nemi erkölcs elleni bűncselekmények alakulása"/The formulation of crime against sexual morals/ Belügyi Szemle, 1982, No. 2.

- 8) Lukács, Tibor; Traytler, Endre: A nemi erkölcs elleni büntettek/Offences against sexual morals/Közgazdasági és Jogi Könyvkiadó, Budapest, 1963.
- 9) Rosta, László: "Az üzletszerű kéjelgés nyomozása"/The investigation of prostitution/ Belügyi Szemle, 1982, No. 8.
- 10) Rózsa, János: Sexuális bűncselekmények/Sexual Offences/Közgazdasági és Jogi Könyvkiadó, Budapest, 1976.
- 11) Schulteiss, Emil: A nemi erkölcs elleni büntettek de lege lata/Offences against sexual morals de lege lata/Közgazdasági és Jogi Könyvkiadó, Budapest, 1966.
- 12) Szántó, Miklós: "Életmód, művelődés, szabadidő"/Way of living, education, free time/ Szociológia, 1973, No. 1.
- 13) Tauber, István: "Élősdí életmód, élősdí bűncselekmények"/Parasitic way of living, parasitic offences/ Belügyi Szemle, 1974, No. 4.
- 14) Tauber, István: A prostitúciós/élősdí/bűncselekmények kriminológiai kérdései/Criminological problems of the offences of prostitution/Szak-kriminológiai Füzetek VI, Budapest, 1979.

4.16 Acknowledgements

The material for this chapter was supplied by Dr. Jozsef Vigh of the Criminological Department of the Eotvos Lorand University in Budapest. The data for the Introductory Remarks was collected by Miss Tamara Perera.

V. VENEZUELA

5.1 Introductory Remarks

The Republic of Venezuela is located in the north of the South American continent. It has a 1,244 mile coastline on the Caribbean Sea on the north and extends inland to the borders of Columbia on the west, Brazil in the south and south east and Guayana in the east. The country has a total area of 352,144 square miles and is divided into 20 states and two territories -- a federal district consisting of 72 islands in the Caribbean. The population of Venezuela was 14,714,400 in 1982.

Governmental power is constitutionally divided between the national government and the states and municipalities. However, the national government is clearly the dominant partner. The executive, legislative and judicial branches of the federal or national government are separate and independent but certain checks and balances do exist.

The executive branch of the government is headed by a President who is both Head of State and Chief Executive. Elected by a plurality vote through direct and universal suffrage, the President serves a five-year term and may not be re-elected until after two additional terms have passed. Ex-presidents automatically become members of the Senate. The office of President entails considerable powers. The Constitution grants the president the power to declare a state of emergency and to declare the restriction or suspension of constitutional guarantees in the event of public disorder or national crisis. The President's powers of appointment, are extensive and do much to enhance his overall authority. Much of the nations extensive bureaucracy is controlled by the President or his appointees. Members of he

Council of Ministers, as well as Governors of the States are appointed by and serve at the pleasure of the President.

The legislative powers of the President are not extensive but are nevertheless significant. He gives an annual State of the Union address before Congress, may call special Congressional meetings, introduce administrative legislation through his ministers and use executive decrees to interpret legislation.

The Venezuelan Congress is structured like that of the United States and although it is not as powerful as that of the United States, it is one of the most effective in Latin America. It is a bicameral body consisting of the Senate and the Chamber of Deputies. The number of legislators vary with each election. At least two Senators are elected from each state. Deputies are selected by a system of proportional representation. All legislators are elected by direct and universal suffrage for a five-year term. The major functions of the legislature are to consider, debate, approve, reject or alter legislation and to oversee the executive branch and its agencies.

The States are guaranteed wide powers by the constitution, which in theory allow them to regulate their own affairs. In practice, however, the states are rigidly controlled by the national government.

The judiciary in Venezuela differs from that of most other federal states in that there is no dual organization of national and state courts. Under the Constitution of 1961, the entire court system falls under the authority of the national government. The Supreme Court is the highest judicial authority sitting as a whole only when considering constitutional matters. At other times it is divided into three chambers -- (1) the political-administrative chamber, (2) the civil chamber, and (3) the criminal chamber, hearing appeals from the lower

courts. In addition to its appellate function, it has the power to settle jurisdictional disputes between the lower courts, to declare whether there are grounds for prosecution of members of the executive, the Congress, state governors or high judicial officers and to conduct such trials in the case of serious cases.

For judicial purposes the country is divided into 20 districts roughly corresponding to a state. Each district has a Superior Court serving as an appellate court in both criminal and civil cases. They also have courts of first instance -- the Municipal Courts -- which deal with most criminal and civil matters. In addition to these courts there are the Courts of Instruction which are really not courts as such but perform a vital function in the initial stages of all court cases. They issue the indictments, oversee the investigation to determine whether the case merits the attention of the court and if so issues the warrant for arrest. There are also Military Tribunals, Fiscal Tribunals and Juvenile Courts.

The entire judicial system is supervised by the Council of the Judiciary which has members from each of the three branches of Government. It has a vague constitutional mandate designed so as to ensure the independence, efficiency and overall conduct of the court system.

5.2 Legislation Concerning Prostitution

The exchange of sexual services for financial reward is not criminalized in Venezuela. Rather one observes in this country what may be termed a legal permissiveness, evident in the absence of direct concern for the activity and expressed in the norms which control its practice. What is criminalized is the exploitation of prostitution by third parties as an economic

concern or for the pleasure of others and the corruption or prostitution of minors. The Venezuelan Criminal Code, in its Title No. 8 (Crimes against Moral Customs and against Orderly Family Life), Chapter 3, Article 388, refers to the inducement of prostitution in minors:

He who, in order to satisfy the passions of another, induces prostitution or acts of corruption in a minor will be punished by imprisonment from three to 18 months. Imprisonment will be from one to four years if the crime has been committed: 1. against a person who is not yet 12 years old; 2. by means of fraud or trickery; 3. by forbears (in direct ascent), by the adopted father or mother, by the spouse, guardian or other person charged with care, instruction and discipline of the minor even if only temporarily.

If a number of these circumstances concur, imprisonment will be from two to five years.

This means that the average punishment is 10 1/2 months under ordinary circumstances, 2 1/2 years when one of the aggravating circumstances is present, and 3 1/2 years when more than one of the aggravating circumstances are present.

Article 389 of the Criminal Code refers to those who aid in the process of prostituting or corrupting a minor:

Any person who, to satisfy the passions of another, has aided or encouraged the prostitution or corruption of a minor, in whatever form, and in whichever of the circumstances mentioned in the previous article, will be punished by imprisonment from three to 12 months. In cases referred to in the last section of Article 388, imprisonment will be from three to 18 months.

Article 390 of the Criminal Code refers to forced prostitution or corruption in adults or minors, as a result of threats or violence:

The parent, other person in ascendent line, husband or guardian, who by the use of violence or threats has induced prostitution or corruption in a descendent or spouse, whether adult or minor, will be punished by imprisonment (presidio) for four to six years.

If the ascendent or spouse has used fraud or trickery in corrupting, the punishment will be imprisonment (presidio) for three to five years.

It is important to point out that presidio differs from ordinary imprisonment in the following manner:

imprisonment of Presidio is in the National Prisons;

the prisoner loses a number of civil and political rights;

the prisoner must spend a certain proportion of his time in solitary confinement;

the prisoner must undertake forced labour.

Article 382 of the Criminal Code refers to the practice of pimping.

In its second paragraph it states:

Anyone who repeatedly, or for economic gain, and to satisfy the passions of others, aids in the prostitution or corruption of a person will be imprisoned for one to six years. If this crime involves the prostitution or corruption of a minor, the punishment will be three to six years imprisonment.

As can be seen, the Criminal Code (which was passed in 1926 and modified in 1964) does not define or criminalize the central and sexual element of prostitution, but rather refers to the act of prostituting, corrupting or of pimping. More recent legislation has generally followed the same practice.

The Vagrancy Law, passed in 1939, in its second Article considers as vagrants all those who live at the expense of persons who practice prostitution. The Law against Venereal Contamination, passed in 1941, declares prostitution

to be an illicit but not an illegal form of living (Article 18), and assigns the responsibility of controlling it to the police. The Law Approving the Agreement on the Repression of Trafficking in Persons and Exploitation of Prostitution, passed in 1968, proposes legislative reforms to criminalize and strengthen action against pimping and all others who aid in the organization of prostitution. However, no action has been taken to date on this point and no legislation proposed or introduced.

The police have the responsibility for controlling prostitution. They are organized at the level of the state and have their activities governed by the Police Code, which is approved by the legislature of the state and applies only to the state which approved it. Though the Police Code of one state varies from the Code of another, as far as the regulations connected with prostitution are concerned there are no significant differences.

The Police Code of Zulia State, the largest state in Venezuela, views prostitution as a matter to be dealt with by administrative authorities rather than by tribunals. Article 50 of the Code enjoins the police to prevent the prostitution of minors. Through respect of morality and families, they are also required to ensure that there are no brothels in residential districts. Brothels are permitted to operate in isolated areas outside the residential districts and in what are called public tolerated zones. This is what Article 53 dictates.

Article 52 empowers sanitary and medical authorities to enter and inspect brothels and ensure that a satisfactory level of hygiene is maintained. Article 50 requires the police to ensure that females under 15 years and males under 14 years do not enter a brothel.

The Police Code for Merida State also contains almost the same provisions. It charges the police with the control of those who enter brothels, prohibiting females under 15 years of age and males under 14 years of age from entering. In the case of females, the Code leaves the measures to be taken to the discretion of the police. In the case of males, the parent or guardian of the boy must be informed. The Code also states that brothels must be regularly inspected by Public Health officials in order to check on hygiene. Resistance to the entry of such an official brings a fine or temporary imprisonment to the brothel owner or administrator.

The laws on Vagrants and Perverts, which have been referred to earlier, are also administrative rather than criminal in perspective. They have been designed to re-educate and re-habilitate the vagrants and perverts but the re-education work centres are not only in a deplorable condition but are the most feared places in the country.

The Venezuelan Penal Code, it should perhaps be pointed out, is a copy of the Italian Zanardelli Code of 1879 with minor changes.

There have been no changes in the law on prostitution either in the Penal Code or in the Police Codes since their enactment. The lack of change may be viewed as a reflection of the general slow rate of legislative change in Venezuela. It could also be that prostitution is not considered a pressing social or political problem in the country.

5.3 Scope of Law Enforcement Regarding Prostitution

Police involvement in the control of prostitution involves three areas:

- a. The National Guard, together with the uniformed police, maintains certain control over the functioning of brothels, and collaborates with the Ministry of Health in carrying out checkups and implementing measures against the spread of venereal disease.
- b. In the larger cities, street prostitution is at times seen to be problematic, both for its moral consequences and its potential threat to orderly behaviour. Police patrols will therefore arrest and prosecute prostitutes for working in this way, largely because they do not comply with the stipulations of law in relation to the location of prostitution and in relation to health controls.
- c. The involvement of prostitutes in crime is not great, neither are the crimes committed by them very serious. Occasionally, the police will be called in to investigate minor thefts, minor assaults or quarrels in bars but nothing more.

For the police, prostitution does not represent a serious problem because, on the one hand, there are few incidents relating to prostitution in which the police have to intervene and, on the other hand, the police have much higher priorities relating to public order and to more serious and frequent crimes such as theft, robbery and assault.

Prostitution is not considered a serious problem in Venezuela, either by the government or by the public. This may be due to the fact that though prostitution can be legitimately considered associated with such other social problems as criminality, alcoholism and drug addiction, in Venezuela, it is only the possibility of the spread of venereal disease that causes concern. In this connection, the Police Code provides for the inspection of brothels by Health Officials and for a regular checkup for prostitutes. The possible moral and

social consequences of prostitution, in terms of public nuisance, scandals or corrupting effects are partially controlled by a series of norms which state that brothels must be located outside urban limits. Similarly, concern for the possible moral or social consequences for the women involved in prostitution is perhaps less than it would otherwise be, since most of the prostitutes that work in brothels are foreigners, coming from either Colombia or the Caribbean Islands.

The police adopt a tolerant attitude towards prostitution and consider it an accepted sexual custom. However, they believe that it is important to maintain effective control over the phenomenon so as to restrict the spread of venereal disease and also to avoid any liaison between prostitutes and criminals.

5.4 Problems Associated With Law Enforcement

With regards prostitution, legal action can originate only on the complaint or accusation by the injured party. Thus, legal proceedings against those accused of prostitution or corruption requires that the victims take the initiative. Legal representatives of the victims such as parents, other family members, guardians or attorneys or procurators for minors, can, of course, act on their behalf in making the complaint or accusation.

In practice this procedure has meant that those aspects of prostitution and corruption which are of concern to the law are rarely punished. For this reason, there has been little or no court involvement in the interpretation of the prostitution laws. Also accused persons have been able to escape the consequences of the law by obtaining a pardon from the victim or his/her legal representative or by marrying her.

There is a slight difference with relation to pimping. This crime requires a public trial. However, such trials are extremely infrequent since the State appears to operate with a tacit compliance allowing the systematic exploitation of prostitution and there is little interest in enforcing the law.

5.5 Official and Unofficial Extent of the Phenomenon of Prostitution

It is extremely difficult to estimate the extent of the problem of prostitution since there are very few statistics available in Venezuela and those that do exist are both irregular and refer only to partial aspects of the phenomenon.

The Ministry of Health and Social Welfare maintains a control over active prostitutes by registering them in each city and obliging them to undergo periodic examinations for venereal disease. However, information on the number of prostitutes registered is not always published. Neither are the number of examinations carried out. Even if they were, it would not allow an inference to be made about prostitutes in general since a substantial proportion of the prostitutes may not be registered with the Ministry. Information from the Division of Venereology of the Ministry of Health estimates the number of prostitutes at 383,821 in a population of approximately 14,000,000. Of this number, only 165,178 submitted themselves for medical examination and of them only 1,024 were found to be suffering from venereal disease.

As the practice of exchanging sexual services for economic gain is not itself criminalized in Venezuela and although the Law against Venereal Disease declares it to be illicit, most contacts between the police and prostitutes refer to activities such as theft, assault and the like which are related to the prostitution and not to prostitution itself. In 1983, there were 800

prostitutes detained by the police in the Federal District -- i.e., the national capital region. In Zulia State, which is the largest state in the country, there were 217 and in all other states there were 740, giving a total for the country of 1,757. These figures are only approximates and have been obtained from Policy Coordination State Section of the Ministry of Internal Relations.

Pimping is a crime and may be prosecuted by the State. From 1979 onwards, the national statistics which are annually published by the judicial police include the category "Corruptores" making no distinction between them and pimps. No information is available before the year 1970. Between the years 1970 and 1975 inclusive there were no cases recorded. Since then there were 2, 28, 25, 10, 31 and 19 reported in each of the years 1976, 1977, 1978, 1979, 1980 and 1981, constituting 0.002%, 0.03%, 0.03%, 0.01%, 0.02% and 0.02% of all registered cases respectively.

Although there is evidence that the number of cases of "corruptores" known to the police increased throughout the last decade, there is no way of knowing how many of these cases relate to prostitution. Furthermore, there is every indication that the police statistics reflect only a limited proportion of the real number of cases.

Although pimping is specifically denoted as a crime, it is not specified in police statistics and hence no information is available on their numbers. The Vagrancy Law also refers to pimping. Yet there are no statistics available indicating how many people were detained by the police on that account. A detailed study of criminal records undertaken by Mayorea (1977) found that only four people had been prosecuted for pimping during the period 1970-1973 (one in 1970 and three in 1971). This study also estimated the

number of prostitutes in Caracas, with a population of 2,654,000 at 11,988. On the basis of this estimate, estimates have been made for other cities as well.

5.6 Attitude of the Public Towards Prostitution

No public opinion polls on prostitution have been conducted in Venezuela. One survey on law included questions on the perceived gravity of adultery (Gabaldon, 1978), but it is not possible to infer much about the public opinion on prostitution from its results. Another survey (Aniyar de Castro, 1977) on the social reaction to deviance conducted in the City of Maracaibo, which is the second largest city in the country, revealed that 13.37% of the population wanted prostitution criminalized, 23.00% depenalized, 31.50% dealt with in a non-judicial manner, and 8.2% wanted it treated as normal behaviour. Not responding to the question was 23.8% of the sample.

A mini-survey conducted in Merida, specifically for this study, suggests that the public opinion is that prostitution in Venezuela is a minor problem and one which is disappearing due to social changes and consequent liberalization of sexual norms, which gives greater sexual freedom to the individual.

5.7 Movements Towards Changing Legal Rules Concerning Prostitution

Currently there are no public movements in Venezuela to change the legislation or achieve better enforcement of the law. The State, through the Department of Social Protection (supervised by the Attorney General), the Department of Crime Prevention, the National Children's Institute, and the National Guard and other police forces, maintains controls and organizes campaigns to prevent prostitution but these, dealing mainly with crime, are

concerned with prostitution only as far as that activity is related to other types of crime such as drug addiction, assault or homicide.

The various feminist groups in the country include the question of prostitution in their discussion but no protests or opinion regarding the subject has yet been made public by such groups.

5.8 The Law Concerning Pornography

The Venezuelan Criminal Code makes no mention of pornography, but it does contain one article which captures its general sense. Chapter 1 of Title 8 has Article 383 which refers to offences against modesty:

Any person who has offended modesty with written materials, drawings or other obscene objects, which have in some manner been distributed, exposed to public view or offered for sale, will be punished by imprisonment for three to six months. If the crime has been committed for economic gain, imprisonment will be from six months to one year.

No other reference to pornography is to be found in the Criminal Code.

Perhaps the reason why the term is not found in the Criminal Code may be because it had not found its way into the national vocabulary. However, by 1939 it was obviously in use since a reference to pornography is made in the third article of the Vagrancy Law. This article defines miscreants, among whom are to be found

those who trade in pornographic objects or place them
in public view. . . .

The same law also classifies as vagrants (Article 2):

those who, while working, engaging in a profession or possessing property or independent income, also live at the expense of persons dedicated to prostitution, or to other illegal activities. For the purposes of this law, such activities are generally defined as those which go against moral conduct.

The Vagrancy Law, as has been pointed out earlier, is not dealt with by the courts but is the responsibility of the District Prefects, Governors and the Minister of Justice. These bodies have a variety of measures and sanctions at their disposal, such as warning, sending the malcreant back to his place of birth, internment in a rehabilitation centre or internment in a special agricultural colony.

It should be mentioned that in the Penal Code, in the Titles Acts against Public Decency, there is Article 538 which makes the presentation of words, songs, gestures or improper acts against public decency a minor offence threatening it with punishment of a fine of 10 to 30 bolivares or with detention in the police station up to one month.

Reference to pornography is made in the Police Codes. The Police Code of the State of Zulia contains Article 37:

Printed material, photographs, manuscripts, pictures or cards or any other publication which expresses or represents obscenities and which are exposed to public view or offered for sale will be collected by the police and burnt at the place. Those responsible for it will be subject to a fine of 40 bolivares or arrest for an equivalent period.

Article 38:

All persons who in a public place make obscene utterances will be punished with a fine of 10 to 50 bolivares or arrest. If such utterances are made in the

presence of females or directed towards females, the penalty will be increased to 20 bolivares.

Article 39

Whoever behaves himself in a public place or a street in an indecent manner with gestures or signs or improper or immoral conduct and offends public decency will be punished with a fine of 20 to 50 bolivares or arrest. Likewise punishable will be those who appear on the beach and in bathing resorts without the customary bathing suits and those who dance in bathing suits.

Also punishable are the owners of those establishments who do not enforce these regulations.

The Police Code in Merida State refers to pornography in Title III, Article 34:

Those printed materials, drawings, manuscripts, engravings or any other type of publication which express or represent obscenities, and which are exposed to public view or offered for sale, will be collected by the police and burned. Those responsible for this infringement will be fined 40 bolivares or arrested for an equivalent period.

Title XXIV, Article 20 of the Police Code which deals with General Dispositions states that the conversion of fines to arrests is made on the basis that 10 bolivares is equivalent to one day's arrest.

In addition to these, there are Municipal Ordinances which specify that all films must be viewed by a Board of Censors and classified according to the audience to which they could be shown. In Caracas, at least, the National Officer of the Direction of Crime Prevention has, since 1983, been examining imported magazines such as Playboy with a view to recommending controls on its distribution. However, this activity seems only to refer to the capital and it is not clear how far the recommendations are binding.

The Post Office Law prohibits the post office from delivering written or printed obscene material.

As in the case of prostitution, there have been no changes in the law on pornography. The only recent innovation, which is not in itself legislative, would appear to be the activity undertaken by the Direction of Crime Prevention.

5.9 Scope of Law Enforcement Regarding Pornography

While pornography is defined as a crime in the Penal Code, state action is largely concentrated in the area of direct police control and censorship. Thus, it is the police that generally receive complaints regarding pornographic material and who are empowered to confiscate them. In terms of censorship, each District has its own Board of Censors which must review and classify films to be shown in the District. Of the four categories into which these films could be classified, Category D refers to pornographic films which can be seen by adults only. If the film is particularly obscene or indecent, the Board of Censors will prohibit its showing.

Problems relating to the enforcement of the laws on pornography thus relate to censorship. Recently there was the case in which the Board of Censors in Caracas in 1972 prohibited the showing of the film, "Last Tango in Paris". The film, notwithstanding the prohibition of its showing in Caracas, was permitted to be shown in other cities such as Maracaibo, Barquisimeto and San Cristobal.

Police officers do not consider pornography to be a serious problem largely because there are strict police control over the entry and circulation of such materials. However, they do believe that it would be a problem if such

police controls did not exist. The National Guard which mans the frontier posts keeps a relatively close watch out for obscene books, films and video tapes which could enter the country while the uniformed police maintains a close watch out for them in towns and cities.

Currently the majority of pornographic material which reaches Venezuela is in the form of films and magazines. Films are controlled by the Censors. The magazines which arrive are those which are internationally accepted and are sold on the street to a limited and select clientele. There are no major problems with the international distributors of pornography and the local production of pornography is extremely unsophisticated and almost non-existent.

Pornography can in no way be considered a serious problem in Venezuela. This is partly because moral standards have become more liberal and thus what was considered earlier as pornographic is not longer so considered. For example, nudity in publications is considered to be normal where the context requires. Information about sex is also relatively freely available and there are a number of publications which deal with or explain sexual relations. Magazines such as Playboy can also be bought on the street and are generally considered to be as much erotic art as pornography.

A second reason why pornography is not a problem is that police control, censorship and other preventive measures keep the amount of pornographic literature relatively limited. A third possible reason is the idiosyncrasy of Venezuelans, the majority of whom are nominally Catholics and who do not display a marked interest in pornography per se. Although there are undoubtedly clandestine groups which deal in and enjoy pornography, there is no perceived serious problem at the national level.

One current concern and which is increasingly evident relates to children and juveniles. In this, pornography is included within more general measures designed to regulate the amount of violence or sex which minors are permitted to read about or watch. Not only do norms regarding censorship place great emphasis on the age groups which can and cannot watch a particular film, there are also other complementary and broader measures. While television is not allowed to broadcast programs which are either too violent or pornographic, programs are classified according to the audience that they are designed for. This classification is threefold: programs for children, programs for all ages and programs for adults. Before broadcasting each program, the T.V. station is required by law to state for which age group that program is destined. In the case of programs for adults, it is also specified that if children watch, then the program must be discussed with them by the parents or guardians. This is the law, but to what extent it is observed, no one really knows.

To ensure the greater protection of children, the Ministry of Youth and the National Children's Institute have, since 1982, organized intensified campaigns in favour of greater state intervention in the diffusion of literature, art and films in order to control the materials which are accessible to children.

Although the Police do not consider pornography a serious problem, the police do believe that strict and even stricter police action is called for. This is because they believe that pornography can lead to other sexual crimes, and perhaps also to drug consumption as a complement to the erotic activities of those who take a keen interest in the subject.

5.10 Official and Unofficial Extent of the Phenomenon of Pornography

The few statistics relating to pornography suggests the non-existence of a problem. The crime statistics published by the Ministry of Justice and which refer to cases known to the police include a category "offences against modesty". No information is available before 1970. During the period 1970 through 1975 there were no cases. In 1976 there were 14 cases but no arrests. The cases constituted 0.01% of all cases. In 1977 there were 17 cases constituting 0.02% of all cases. In this year there were six arrests constituting 0.01% of all arrests. In 1978 also there were 16 cases, but there were only 10 arrests. In 1979 there were 19 cases with six arrests, in 1980, 13 cases and three arrests and in 1981, 21 cases and no arrests.

The statistical data is incomplete.

5.11 Attitudes Towards Pornography

As with prostitution, there have been no public opinion polls or surveys conducted on pornography. The study done by Aniyar de Castro (1977) in Maracaibo indicates that while 24.0% of the public want the dissemination of pornographic material criminalized, 42.86% of the public want it depenalized, 18.87% of the public want it dealt with extra-judicially and 8.7% have given the subject no attention at all.

A mini survey conducted in Merida, specifically for this study, indicates the belief that there is no problem with pornography in Venezuela. This is due to the fact that the only pornographic material readily available are international magazines from United States, Brazil and more recently from Spain. Such literature is of highly limited distribution in the country.

5.12 Public Movements and Pressure Groups to Control Pornography

There are no organized movements in Venezuela which voice opinions about the problem of pornography or exert pressure to change existing legislation. Currently, the National Congress is considering the possibility of reforming the Criminal Code so as to include both prostitution and offences against modesty as criminal acts. However, the special commission which was named to study these reforms has not completed its task and has not proceeded beyond the general aspects of the Criminal Law in Venezuela.

In relation to law enforcement, there has been some attempt made to strengthen and improve controls on the entry of young people into cinemas. If pornography is considered problematic at all it is in connection with its impact on young people although there seems to be some broadening of the concern to violence and sex. The National Children's Institute is constantly campaigning for stricter control of the entry of children and young people to cinemas and for prohibiting their entry into cinemas when the film is exclusively for adults. This control derives from the Law Protecting Minors which states in Article 20:

It is forbidden (3) to allow people under 18 years old to enter cinemas or similar entertainments when the films or shows are classified as unsuitable for them.

In line with this responsibility, the Institute regularly sends circulars to cinema managers urging them not to let young people into the cinema when films designated for adults only are shown. The Institute can and does impose administrative fines on those cinemas which do not comply with the law. The effects of these controls have been evident during the last 18 months in Merida,

for example, where cinema staff will ask for proof of age of a person if they suspect him to be a minor.

5.13 References

L. Aniyar de Castro: La Reaccion Social a La Conducta Desviada. Maracaibo, 1977.

J.M. Mayorca: Criminalidad de la Burguesia. Caracas, 1977.

5.14 Bibliography

Although there are a number of studies done in Venezuela on prostitution, very few of them refer to the problem in the country. The serious study of prostitution in Venezuela has yet to begin. The situation is more or less the same with regards to pornography. Of interest, however, are the following works:

R. Escala Zerpa: Conflicto entre la Prostitucion Organizada y el hogar Venezolano. Caracas, n.d.

J.M. Mayorca: Introduccion al Estudio de la Prostitucion. Caracas, 1967.

L.A. Perez-Perozo: El Problema Social de la Prostitucion en Venezuela. International Review of Criminal Policy. 15 (1958).

L. Velasquez: La Reglamentacion de la Prostitucion en Caracas. Caracas, 1904.

O.L. Uztartiz L.: Aspectos Sociales y Sanitarios de la Prostitucion en Venezuela. Psicologia 6 (1979) 193-204.

J.M. Mayorca and R. Buroz-Arismendi: La Pornografia. El Caso Ratto-Ciarlo. Caracas, 1974.

5.15 Acknowledgments

This chapter is based on information provided by Dr. L. Aniyar de Castro of the Institute of Criminology of the University of Zulia in Maracaibo and by Dr. J. F. Martinez Rincones of the Centro de Investigaciones Penales y Criminologicas of the University of Los Andes in Merida. Mrs. M.J. Talbot assisted in the translation of the material sent in Spanish. The data for the Introductory Remarks was gathered by Miss Tamara Perera.

VI. PANAMA

6.1 Introductory Remarks

The Republic of Panama forms an S-shaped isthmus which links South America to Central and North America. Bisected by the Panama Canal, the country is bounded on the north by the Caribbean Sea, on the south by the Pacific Ocean, by Colombia on the east and by Costa Rica on the west. It covers 29,762 square miles and had a population of 1,921,700 in 1982.

Panama is a unitary Republic. The country is divided into nine provinces headed by a Governor appointed by the President. There are, however, no provincial legislatures. Under the Constitution of 1946, the country has a democratic form of government but in practice, the country has been under a series of regimes and dictatorships since 1931.

The Central Government is comprised of separate executive, legislative and judicial branches. The executive branch is strong and is headed by the President who is not only the Head of the Government but also Head of the State. Constitutionally, he is elected for a four-year term by the National Assembly. He has the power to conduct foreign relations, to appoint and dismiss provincial governors, to sign and veto bills, and to serve as Commander-in-Chief of the nation's public forces.

The legislature consists of a unicameral National Assembly composed of 505 members elected by direct popular vote for a six-year term. It has an important function in the area of appointments. It names the Procurator General and his deputy and approves the naming of the judges of the Supreme Court.

The court system comprises the Supreme Court and a hierarchy of lower courts -- the Superior Courts, the Circuit Courts and the Municipal Courts. As the most authoritative body in the judicial system, the Supreme Court is responsible for the functioning and supervision of the lower courts. It is comprised of nine judges, called Magistrates, appointed by the President, with a new judge being appointed every two years for a term of 18 years. At the same time a judge is appointed, an alternate is appointed for him. The alternate replaces the principal during absences.

The Constitution provides for a three-chambered Supreme Court -- one chamber each for Civil, Criminal and Administrative cases. A fourth chamber was added later to handle general cases. The Criminal Division has exclusive jurisdiction over offences committed by judicial personnel, cabinet ministers, diplomats and other high functionaries. The Administrative Chamber deals with illegal administrative decisions, decrees and orders, while the General Division is responsible for the correctness of civil status and property registrations, disciplinary actions against lawyers for violation of professional ethics and the drafting of items of interest for the administration of justice. The Supreme Court also decides on the constitutional validity of any law, executive decree, or order questioned by the executive or challenged by a private citizen.

The Superior Courts have an original and appellate function. They hear the most serious cases except those which are specially reserved for the Supreme Court -- cases involving high government officials. They also hear appeals against judgments of the Circuit Courts and the Municipal Courts. Trials in the Superior Courts are by a jury comprised of five or seven members. Challenges for cause are permitted both the prosecution and the defence.

Circuit Courts have both criminal and civil jurisdiction. However, except in locations with small populations where a single court exercises both jurisdictions, the courts are specifically assigned only criminal or civil cases. They hear the more serious cases. Judges of the Circuit Courts are appointed by the Superior Courts for a fixed term of four years.

Municipal Courts exercise jurisdiction only in minor cases. The judges of these courts are appointed for a three-year term. In large cities the appointees must have a law degree but this qualification is not strictly enforced in the remote and rural areas.

In addition to these, there are a number of special courts. These include Administrative courts, Customs courts, Tax courts, Labour courts, Traffic courts and Military tribunals. There are also Electoral courts having national jurisdiction over cases of offences violating the rights of suffrage and free election, as well as a Protective Tribunal for Minors which operates under the Supreme Court and is responsible for the supervision of proceedings involving minors and the protection of their interests.

Provided for in the Constitution is a Public Ministry responsible for the administration of justice. It is an organization which includes all District Attorneys, Solicitors and others engaged in legal representation of the state. It is headed by a Procurator General. Officials of the Ministry have the function of directing state prosecutions, enforcing laws and regulations and serving as legal counsel for government officials. The Procurator appoints an auxiliary attorney who is responsible for the supervision of the country's investigative functions.

6.2 Legislation Relating to Prostitution

Legislation relating to prostitution is varied and is found in:

- a. The Panamanian Penal Code;
- b. Legal Decrees relating to prostitution and contemplated inclusion in the Penal Code;
- c. The Sanitary Code;
- d. The Administrative Code; and
- e. Decree No. 49 of 4th February 1972.

The Panamanian Penal Code describes a number of offences which could be considered as relating to prostitution. The can be categorized into two large groups:

1. Those offences contributing directly or indirectly to prostitution; and
2. Those offences which are the consequences of activities related to prostitution.

Falling into the first group and considered contributing indirectly to prostitution are:

1. Incest defined in Article 209;
2. Rape and Debauchery defined in Article 216;
3. Carnal knowledge of a minor, under 12 years of age, described in Article 217;
4. Carnal knowledge of a person between the ages of 12 and 16 defined in Article 218;
5. Abduction defined in Article 221;
6. Abduction of a person between the ages of 12 and 15 defined in Article 222;

7. Offences against modesty described in Article 220; and
8. Corruption of minors described in Article 226.

The thrust of these sections is the criminalization of sexual activity involving as a victim a minor, as an offender a person having authority over the victim such as a parent, teacher, guardian or the like and in circumstances involving deceit, intimidation or violence. Heterosexual activity between consenting adults is not outlawed.

Falling into the first group and considered offences which contribute directly to prostitution deal with proxenetism. The relevant sections are:

Article 228:

Whoever with the desire for gain or the satisfaction of his passions, promotes or facilitates the prostitution of a person of one or the other sex shall be punished with imprisonment of two to four years.

Article 229:

The punishment for the commission of the acts aforementioned will be three to five years imprisonment in the following cases:

1. If the victim is a female less than 12 years or a male less than 14 years old.
2. When the offence is accomplished through the use of deceit, violence, the abuse of authority or any other form of intimidation or coercion.
2. When the offender is a parent of the victim, a tutor, caretaker or any other person to whom is entrusted the guardianship or custodianship for family reasons or for education and instruction.

Article 231:

Any person who promotes or facilitates the entrance into or exit from the country for the purposes of engaging in prostitution shall be punished with imprisonment of two to four years.

The punishment will be increased to six years if the circumstances enumerated in article 227 are found to exist.

Worthy of note here is the stress laid on the age of the victim, the relationship of the offender to the victim and the involvement of fraud, intimidation or violence.

Into the second group of offences fall:

1. Abortion defined in Article 141;
2. Abandonment of persons defined in Article 145;
3. Deprivation of liberty defined in article 151; and
4. Infection of venereal diseases defined in article 253, which reads:

Whoever exposes another person to contact venereal disease through sexual relations or through any other means will be punished with six to 12 months imprisonment and a fine of 100 to 200 dias.

If the act foreseen in the previous paragraph is committed through a mistake, the punishment shall be a fine of 10 to 50 dias.

Decree laws related to prostitution and contemplated includes in the Penal Code is really Law No. 4 of 7th January 1966, which makes provisions for subjecting women over 18 years of age to rehabilitation if they were:

1. Public women or those recognized as leading a shameful life practising uninhibited passion and libertinage.

2. Soliciting women and those promoting, facilitating and favouring prostitution or corruption.

and

3. Those who exploit, directly or indirectly prostitution, participating in the benefits derived from this activity or adopting it as a way of life.

The Sanitary Code deals with the control of venereal disease.

Article No. 146 of Law 66 of 10th November 1947, Third Book, Second Title and

Third Chapter reads:

Venereal diseases should be controlled by the Director General of Public Health conforming to the same epidemiological criteria as other communicable diseases and remaining subject to condemnation, isolation, vigilance, obligation to examination and obligation to treatment even in hospital. These measures should be taken in the case of the sick, of suspects and of contacts when, in the judgment of the health authorities, they would constitute a danger to others.

Article 147:

The prophylaxis and treatment of venereal disease which are to be added to the services carried out by public health especially at health centres and District Health Units are in reference to prevention, ambulatory treatment, epidemiology and health education and to hospitals in reference to isolation and treatment.

In the Administrative Code is contained the regulations for the establishment of licensed houses. Article 1293 reads:

In the inside of parks and on public promenades will not be allowed women leading a shameful life, drunk or dressed in rags. The police will expel them from such places, threatening those who refuse to leave with a fine or equivalent arrest.

Article 1294 reads:

It is prohibited to rent, in the centre of populated areas, houses, homes or parts of them to public women or those recognized as leading a shameful life.

Article 1295:

The police will not permit the establishment of houses or meeting places for the practice of unbridled passion or libertinage. The individual who is in charge of a house or meeting place in which meetings are held with anyone for these objectives will suffer a fine of 12 to 50 balboas and those who play a part in these meetings will incur a fine of 10 to 50 balboas.

Article 1296:

It is the duty of the National Council of Health, to describe the district in which women mentioned in Article 1294 could inhabit and also dictate the sanitary regulations that must be observed. The Governor of the Province must dictate those regulations which will prevent the corruption of minors and the increase of public immorality.

Decree No. 49 of 4th February 1972 deals with measures relating to public decency and the sojourn of women in barrooms, hotels, pensiones, and other places offering similar entertainment in the capital area. In the Preamble it claims:

...the Mayor is obligated to be watchful of the morality and good customs of those who reside in the capital district, it is necessary to regulate the work of women in barrooms and other places of entertainment with the purpose of combatting clandestine prostitution in order to procure the decency of the city and the health of the collectivity in general.

It then goes on to decree that all women

who work in barrooms, night clubs, cabarets, hotels, pensiones or those who frequent such places without the company of a man who will be responsible for them, will have to carry an identification card issued by the Mayor

and to outline the manner in which such a card could be obtained, the fees that must be paid for such a card and the period of validity of such a card. The decree stipulates that the application for the card must be made by both the women concerned and the owner or manager of the place where she intends to work. The documentation that must be affixed to the application indicates that persons with a criminal record would not be given the identification card.

The Supreme Court of Panama has held that the sentence, "or those who frequent such places without the company of a man who shall be responsible for them" in the first Article of the decree, is unconstitutional and has abrogated Article 6 of the decree which reads:

Prohibited is the entrance and sojourn of any women in barrooms, night clubs, cabarets and the like unless they are appropriately accompanied by a male, older in age and who has responsibility for them, or who carries a card of identification in accordance with the dictates of this decree.

The law in Panama thus does not outlaw prostitution but tries to control it through indirect means but in doing so has permitted the legal practice of prostitution.

6.3 Forms of Prostitution in Panama

Prostitution takes several forms in Panama. There is first of all the legal form. This is protected by the state and permitted to women who have succeeded in obtaining an identification card. These prostitute women are

required to pay income tax and they are subjected to periodic health examinations to ensure that they do not suffer from venereal disease. Legal prostitution is divisible into professional and semi-professional. Professional prostitutes must be represented as a specialized person and they must live in houses or specific centres which are under the supervision or control of an administrator or manager. Semi-professional prostitutes disguise their trade under a number of other names such as cashiers, bartenders, dancers, singers and the like. They do not carry on their trade in their place of work and they rely on personal encounters in their other and legitimate work to attract their clientele.

The second form that prostitution in Panama takes is an illegal or clandestine one. This type of prostitution is indulged in as an occasional activity. It is not the woman's profession, but is engaged in to earn some extra money or more "to pass away the night".

Prostitution is engaged in on a major scale in the City of Panama and in Colon. The first is a large metropolitan centre and the second is a harbour city. Prostitution in these two places have their own peculiar characteristics.

In Panama City, there are certain localities where this activity is permitted. These areas are situated outside the centre of the city. In addition to these are taverns, bars and the like where, in addition to the sale of alcoholic beverages, are presented forms of entertainment creating an atmosphere conducive to prostitution. The majority of these places are found in the centre of the city.

Both these forms of prostitution -- the professional and semi-professional forms of legal prostitution -- involve women 42% of whom are of

Panamanian nationality. Fifty eight per cent of the women engaged in this type of prostitution are foreigners and of the foreigners, 47% are Colombians.

There is also in Panama City illegal or clandestine prostitution which is not regulated by the state and which is not subjected to health inspections. This type of prostitution is engaged in exclusively by Panamanian nationals.

Colon has a free zone outside the Canal Zone. Living together here are diverse ethnic and cultural groups such as Antiguans, Asians, French and the like. It is a cosmopolitan place. 5.16% of the prostitution is found in the centre of the city which is the centre of the commercial, economic and financial activity. The prostitution is mediated in bars, taverns, night clubs, cabarets and the like.

6.4 Problems With Prostitution

There are two major problems associated with prostitution. The first of these is that it is spreading and becoming almost endemic. During the Second World War provisions of Articles 1294 and 1296 permitted the creation of Tolerance Districts in Panama City and in Colon and the restriction of prostitution to those areas. However, on 4th August 1951, an Executive decree dealing with morality and public health issued by the Minister of Justice, Governors and Mayors were enjoined to prevent and repress prostitution. As a result of this, the Tolerance Districts were done away with and prostitution spread.

The second problem which is the more pressing and the more frightening is the spread of masculine prostitution. During the last five years there has been an increase in this activity. It is engaged in by transvestites in

special areas of the city -- those areas where there is a concentration of bigger hotels and clubs. The spread of this phenomenon is readily understandable when it is realized that the clientele are homosexuals who happen to be either alien marines coming into the city for this purpose or well-to-do and professional Panamanians.

6.5 Laws Relating to Pornography

There are no laws that use the term pornography. However, the Administrative Code does contain two articles which deal with the subject.

Article 1289 reads:

Police employees must prevent the exhibition in public, the sale or distribution of pictures, stamps, paintings or any other goods with lewd depictions.

Article 1290 reads:

The police will not permit in the theatres or any other public place, the presentation of dramatic performances which contain obscene or indecent acts or expressions or any other thing contrary to morality and good custom.

Article 85 of Chapter 4 of the National Constitution states in relation to national culture:

The means of social communication are instruments of information, education, recreation and the diffusion of culture and scientific knowledge. When they are used for the publication and diffusion of propaganda or advertisement they must not be contrary to the health, the morality, the education and cultural formation of society or national conscience.

The law will regulate these functions.

More definitive legislative action exists in the form of Cabinet Decree No. 251 of 6th August 1969 which created a National Council of Censor as well as District Councils. This was done, as the Preamble to that decree states:

because it was necessary to stimulate conservation of public morality and because cinematographic films, television shows, publications, radio transmissions and records of an obscene nature or against the good customs of the citizens are an obstacle and also damaging to the moral formation of our children and our juveniles.

The decree gives the structure and function of the Councils and the qualifications of the members together with their duties and privileges. The main duty of the Council was to review films, etc., and

to prohibit the exposition of all national territory, of cinematographic films, dramatic presentations on radio, transmissions on records, publications and the like, all materials which

1. are contrary to the basic principles of Christian morality or offensive to them;
2. include immoral, vulgar or obscene scenes that offend the moral and decent sentiments of society;
3. offends the national dignity;
4. the Minister of Foreign Affairs has been requested by the Diplomatic Representative of a friendly country to prohibit the exposition, as it is damaging and offensive to that country;
5. will debilitate the moral fibre of society containing in it criminogenic factors which will damage society and create an atmosphere that will distort the concept of human, moral and family values;
6. are instruments of propoganda of quaint theories of totalitarian systems and republican form of government and are contrary to public order;

7. come from totalitarian states and whose exposition is designed to totally or partially, directly or indirectly, foster those regimes. (Article 12).

Article 13 stipulates the classification of the material into three categories:

- a. of universal distribution capable of being shown to any member of the public;
- b. of restricted exposition which can be shown only to persons of a particular age. Into this category would fall all that material which, in the opinion of the Council, such exposition is considered to produced an improper moral, psychological and sexual reaction;
- c. totally prohibited because they violate the rules laid down in the previous article.

The Council must also review live shows for theatres and for T.V. and grant permission to put on those shows on condition that their contents would not be altered. The Council has no authority to require the alteration of the text or of a scene but they can order the removal of offending portions.

6.6 The Extent of the Problem of Pornography

Panama has 89 radio stations and six television stations catering to a viewing population of approximately 250,000 of whom 80% live in the City of Panama and other municipalities and 20% in the rest of the country. As far as the press is concerned, there are six daily newspapers with a circulation that varies between 5,000 and 30,000.

The City of Panama has 29 cinematographic houses which could accommodate approximately 22,223 persons. Colon has four such houses with a seating capacity of approximately 2,000. In Panama, five of the 29 movie

houses project pornographic films daily during the regular hours (3:00 p.m. through 10:00 p.m.) and one of these theatres projects films that are considered particularly hot after midnight. In Colon, two of the four movie houses project pornographic films during the regular hours.

One important observation that has to be made in this connection is that in the cities of the provinces, there exists only one cinematographic hall which is used for a number of events such as concerts, ballets, conferences and the like. These halls are large. They are permitted to project one pornographic film every week. Rumour has it that on these occasions, the hall is filled to capacity.

The pornographic films shown in all the cinematographic halls are subjected to review by the National Council of Censor which approves the projection of this material provided that it is to a limited audience. Those between the ages of 14 and 18 are prohibited from viewing them.

6.7 Movements to Alter the Laws on Pornography or to Secure Better Enforcement of the Existing Laws

There is a general feeling in the country that the level of pornography is surpassing the level of public tolerance. There exists in the country a group of people who have constantly shown sufficient amounts of courage in their denunciation of violence, of obscenity and of sexism and who have tried their level best to have these prohibited. At the same time, there is another small group that has taken an absolutist position and keeps on referring to Title 3, Chapter 8, Article 37 of the Constitution which protects all forms of expression in Panama:

All persons are able to express freely their thinking, by speech, or by writing or by any other means, without subjection to any preliminary censorship. However, there exist legal responsibilities when any one uses these means against the reputation or the honour of people or against social security or public order.

The police claim, and the Criminal Statistics indicate, that there has been a change in the tone and the style of the offence of rape. This offence has become increasingly associated with violence and with new elements of humiliation which include strange new tactics. Part of this is attributed to the climate generated by the tolerance of pornography.

Groups of professionals in distinct specialities such as Sociology have expressed the view that it is extremely necessary to take energetic measures to diminish the increasing level of pornography so as to strengthen the morality of juveniles and to stem the decadence and degeneration of their customs.

Associations of professional women and feminist groups have demonstrated and remonstrated against pornographic publications as contributing to the "humiliation and degradation of women and the promotion of an increasing amount of violence against them".

Counsellors in education have constantly solicited the assistance of the authorities of the Republic to control pornography in order to give and to ensure the children the protection that is necessary for their moral formation. They have complained to the Judge of the Protective Tribunal for Minors about the proliferation of pornographic magazines and the ease with which minors have access to them.

The Government has responded and launched a program against pornography. But this program is nothing more than a whitewash. This is

reflected in the work done and the results achieved by the Mayoralty of the Capital District to control or reduce as much as possible the booming pornographic industry within the limits of its jurisdiction. All this activity has only resulted in the National Council of Censors placing full responsibility in connection with public shows in its committee. Even so, there is no classification of any type done regarding cinematographic material which is presented on the T.V. screen, even though television is a force having a massive influence on the family.

6.8 References

6.9 Acknowledgements

This chapter is based on information that has been provided by Dr. Marcela Marquez de Villalobos of the Criminology Institute of Estafeta University in Panama City. Assistance in the translation of documents in Spanish was received from Mrs. M.J. Talbot. Data for the Introductory Remarks was collected by Miss Tamara Perera.

VII. CHILE

7.1 Introductory Remarks

A Republic on the south western coast of South America, Chile is bounded on the north by Peru, on the south and west by the Pacific Ocean and on the east by Bolivia and Argentina. The total area of the country is 292,258 square miles. Its population was 11,275,400 in 1982. It is divided into 25 provinces.

The Constitution of 1925 provides for a unitary republican form of government that is "representatively democratic". The government is characterized by the three traditional branches of the Executive, the Legislature and the Judiciary as well as an equally important Comptrollership General which handles revenues and expenditures. The balance of power, however, heavily favours the Executive.

The President is both the Head of State and the Head of Government. The Constitution allows for his election for a six-year term by universal popular suffrage. He exercises administrative power and in addition is empowered to decree laws under certain circumstances. He has exclusive authority to initiate legislation altering the political or administrative divisions of the country, creating new services or salaried positions and increasing salaries of government employees.

A strong Presidential Government ruled Chile until September 1973 when it was overthrown by a military coup and replaced by a ruling four-man junta with one of its members appointed President. The resulting military dictatorship has since abandoned the traditional republican form of government.

The Legislature, the National Congress, was a bicameral body consisting of a Senate of 45 members elected directly for an eight-year term and a Chamber of Deputies of 147 members elected directly for a four-year term. The Congress enjoyed general legislative powers that included the authority to either approve or reject the budget. Bills, however, had to be approved by the President who was vested with broad veto powers.

Chile's highly centralized organization of national government has deprived local government of effective power. Each of the 25 provinces is under the direction of an Intendant appointed by the President. Provinces are subdivided into Departments headed by Governors who are also appointed by the President. Departmental subdivisions are called Districts. Provincial Assemblies provided for in the Constitution have never functioned. However, until 1973, elections were held for Municipal Councils but after the military coup, the elected officials were replaced by appointees of the military government.

The judicial system in Chile is the least powerful of the three branches of government. This was so even under the democratic system. After the military coup, the basic court structure was left intact but with very minimal powers. The judicial system consists of a Supreme Court, an Appellate Court and a system of lower courts. The Supreme Court has both original and appellate jurisdiction. It hears, in the first instance, cases involving high government officials, diplomats and other foreign dignitaries, and those cases in which a provincial government is a party. Its appellate jurisdiction extends to all the lower courts. Under the Constitution, the Supreme Court is empowered to consider the constitutionality of legislative acts and may declare them inapplicable in certain instances but may not invalidate them.

The Courts of Appeal hear appeals on decisions from the lower courts in both criminal and civil cases. They may also exercise original jurisdiction in certain cases as those involving Senators and Deputies. Lower courts consist of the Courts of Major Claims, Small Claims Courts, Judges of Subdelegation and District Courts. The District Courts and Judges of Subdelegation hear minor civil and criminal cases. The criminal cases heard involve mainly petty theft and such offences. The civil cases heard involve rent disputes, small loans and the like, where the value does not exceed 5,000 escudos.

Small Claims Courts hear civil and commercial cases involving sums of 5,000 to 50,000 escudos, while Courts of Major Claims hear civil cases involving sums of over 50,000 escudos. They also hear serious criminal cases. These courts have an appellate jurisdiction over the civil and commercial cases heard in Small Claims Courts and the criminal cases heard in the District Courts.

In addition to the regular court systems there exists a number of functional courts which operate at the lower level. These include courts that deal with customs, elections, indian affairs, labour, lands and water. There is also a Special Tribunal for Minors which hears juvenile delinquency cases.

The organization of the courts in Chile is highly centralized. The Supreme Court has directive, corrective and economic supervision over all courts. However, because of adherence to the system of Roman Law which governs the court system, there exists little room for interpretation by judges at any level of the court system. In addition, frequent government interference in judicial affairs has weakened the entire judicial system of the country to a considerable extent. Making matters even worse is the chronic insufficiency of

judicial officers which frequently delays trials resulting in massive overcrowding of the country's penal institutions.

7.2 The Extant Law on Prostitution

Special legislation permits the government to issue decrees which have the force of law though they have not been passed by Congress. Every-day life in Chile is usually regulated in this way. Decrees are issued by Ministries having relation to its subject matter. From time to time, these decrees are gathered together and published as a legal body to simplify procedure. They exist as codes.

As far as prostitution is concerned, there are two codes that are relevant. The first of these is the Penal Code published as Decree of the Ministry of Justice, No. 88 of 13th January 1976. The second is the Sanitary Code published as Legal Decree, No. 725 of the Ministry of Public Health on January 31st 1968. In addition to this, there is Decree No. 362 of the Ministry of Public Health of May 7th 1984.

None of these laws prohibit prostitution indulged in by adults. The sections in the Penal Code seek to protect minors. The relevant sections are Articles 367 and 368. Article 367 reads:

Those who habitually or with abuse of authority provoke or facilitate the prostitution or corruption of minors under 21 so as to satisfy the desires of others will be subject to imprisonment and a fine.

Article 368 reads:

If the person responsible for the aforementioned prostitution or corruption is a public authority, priest, teacher, servant, or in any way connected with the

victim's education or safe keeping, the culprit will be punished with imprisonment in the maximum degree.

Other sections of the Penal Code specify the punishments that should be inflicted. In the case of violations of Article 367, the prescribed penalty is a sentence of two years imprisonment and in the case of violations of Article 368 the minimum sentence is fixed at two years imprisonment and the maximum at five years imprisonment.

The Sanitary Code deals with the control of venereal disease rather than the act of prostitution. Article 36 of the Code entrusts the responsibility for controlling venereal disease to the National Health Service which is a part of the Ministry of Health Services. By Article 41 they are required to register all persons who practice "sexual commerce", i.e., prostitution, stipulating that they would not be allowed to live in the same premises where public activities such as bars, dining rooms, dancing floors, etc. are conducted. The police are placed in charge of the necessary control and empowered to close all such places notwithstanding the measures that might be adopted by the Public Health Services.

Decree No. 362 of the Ministry of Public Health of May 7th 1984 is designed to control the transmission of disease through sexual intercourse. Article 12 of this Decree reads:

All persons who according to the Police Officers or the competent staff of the Public Health Services, are thought to be dedicated to sexual commerce (prostitution) or related activities, will be sent to the corresponding health institution to be examined and treated, if so required.

Article 13 reads:

Houses of prostitution or "tolerance" dedicated to sexual commerce are forbidden. All propaganda and advertisements that promote sexual commerce is likewise forbidden.

Article 14:

Owners cannot dedicate their property to further sexual commerce, nor rent or lend it for such activity or practices.

Article 15:

If the Public Health Services considers, within reason, that such an establishment exists, as is stated in Articles 13 and 14, then they will denounce it to the corresponding police centre who will proceed to have it closed within 48 hours.

7.3 The Scope of the Problem

Prostitution is not outlawed in Chile. As was pointed out earlier, the Penal Code has shown an interest only in the protection of minors. If any attempt has been made to control the phenomenon that attempt has been made in the Sanitary Code, which prohibits prostitutes living and operating in the same premises as those where the public are admitted for drinks or entertainment. To circumvent this regulation, houses of prostitution have been so organized that two buildings connected to each other in an unobstrusive manner are used. Both buildings have separate entrances to the street. The prostitutes live in one and carry on their prostitution there while the public activities such as bar, dining room, dancing and the like are conducted in the

other. There are no bedrooms in this other building. In this way the law is observed.

Decree No. 362 of the Ministry of Public Health was issued because of the increase in the incidence of venereal disease and the appearance of massage parlours and the like where disguised prostitution was carried on without the corresponding control by the Public Health Service. These massage parlours or "Relax Houses" as they were sometimes called, were advertised in the daily newspapers giving only a telephone number. It was generally understood that they were places for prostitution. This Decree has been criticized much as being extremely drastic because it gives the Health authorities the power to act without any actual proof.

One form of prostitution which is increasing in the country and which cannot be controlled by this regulation is that operated through the "call girl" system. No regulations have been devised for their control. The street prostitute or street walker can be controlled by the police by picking them up and charging them with vagrancy, provoking public scandal or attempting to degrade public morals.

There is also a problem of child prostitution. The exact dimensions of this problem are not known.

With regards prostitution, there are two aspects which need special mention. The first is the seeming reluctance on the part of the police to act against prostitutes. This is mainly due to the fact that they feel the prostitutes to be an important source of information on more serious problems such as theft, drugs and violence. The second is the societal reaction to the client of the prostitute. If a man goes to a house of prostitution or "tolerance" he is supposed to do so of his own free will making a rational decision and no one

seems too bothered about it. If, however, he is accosted by a prostitute on the streets, then she is held responsible for promoting immorality and the man becomes the victim. It is not realized that it is the man that creates the demand for prostitution.

7.4 The Official and Unofficial Extent of the Problem

The control of illegal prostitution lies with the uniformed police force -- the Carabineros -- who are in charge of public order and the security of the citizenry and not with the non-uniformed police -- the Investigaciones -- in charge of investigations. When the Health authorities require any legal action to be taken against prostitutes, they are required to go to the Carabineros. The number of cases taken to court and the numbers found guilty for offences connected with prostitution are shown in Table 7.1. The figures show a steady decline. No figures regarding houses of prostitution are available. Neither is it possible to make a reasonable estimate. However, the impression that the police have is that their numbers are gradually decreasing, especially in Valparaiso and in Talcahuano which are two major ports in the country. This impression has been created by the decrease in the number of bare, strip-shows and other such places of entertainment that are connected with hotels.

The number of prostitutes is also unknown. The registration that is done by the Health Department is strictly confidential and are not made available to the public. Even if these figures were available they would tend to give an inaccurate picture. Not all prostitutes are registered and those who are registered tend to remain on the count even though they may have stopped being prostitutes.

Table 7.1 Number of Sex Offences Cases taken to court and found Guilty. 1978-1982 in Chile

Offence	1978	1979	1980	1981	1982*
<u>Prostitution of Minors</u>					
Taken to Court	83	120	222	155	72
Found Guilty	4	5	1	6	2
<u>Offences against Modesty</u>					
Taken to Court	116	593	496	608	350
Found Guilty	8	23	8	14	6
<u>Rape</u>					
Taken to Court	1909	2805	3034	2963	1714
Found Guilty	273	148	198	222	273
<u>Dishonest Abuse</u>					
Taken to Court	645	1363	1565	1358	910
Found Guilty	144	177	156	202	204
<u>Male Homosexuality</u>					
Taken to Court	not available				405
Found Guilty					100

* Data for 1982 is not totally processed. This column shows only 75% of the cases taken to court.

Source: Instituto Nacional de Estadística.

For the purposes of this study, newspaper advertisements referring to massage parlours, relax houses and home service massage were checked. These advertisements disappeared from the newspapers after the decree of May 1984. During the month of March there were advertisements for 59 different services. Calculating three prostitutes per advertised service, this gives a total

of 176 which is really not much for Santiago which has a population of about four million. No information is available on the number of call girls.

There is, however, an acknowledged increase in venereal disease.

7.5 Public Opinion Concerning Prostitution

There have been no public opinion polls conducted in Chile on prostitution. However, it would not be incorrect to say that Chileans tend to commiserate with women who turn to prostitution through poverty and there is a feeling of understanding and a desire to help women who wish to avoid or abandon it. For this reason, public opinion would vary according to the type of the problem.

The forms of prostitution found in Chile until recent times have been those found in any male oriented society where places are organized for the social activities of men. Men meet in these places, they eat and drink here and are entertained here. Sexual services are offered them as a part of the business. In small towns, these meeting places, which were in reality brothels, filled a social role. Chilean novelists describing different aspects of Chilean life have included the brothel in their descriptions and show the role that they played in Chilean society.

The gradual change of Chilean society to a female oriented one has caused a change in the social life of men. There has been a decrease in the number of houses but this does not mean that prostitution has disappeared. It has taken different forms such as street walking and disguised prostitution in massage parlours and the like. Another factor that appears to influence public attitude towards prostitution is the fact that social life is carried on more in

common by men and women of the same social station and with more relaxed sexual habits. Crude prostitution seems on its way out.

7.6 Movements Against Prostitution

There is no public movement against prostitution as such but there is a concern for the increase in venereal disease and for the exploitation of children for prostitution. In March 1984 there was a highly publicized forum on child prostitution in which a well-known priest -- Father Alessandri -- spoke against the phenomenon referring to cases he knew of. He did not define the dimensions of the problem. In this forum, Chief Zuloaga of the Investigaciones maintained that police reports did not bear any visible increase in prostitution nor did they indicate the emergence of a problem of child prostitution. While child prostitution did exist it was a relatively rare occurrence. There were apparently other problems of greater magnitude that merited more attention. Child prostitution in Chile, as it exists in the present, is not the result of an organization to exploit children but the result of the squalor and extreme poverty as is found outside the big cities. These conditions force children into active sexuality at a surprisingly young age.

Another problem that is making its appearance and beginning to influence the public is male prostitution. Together with child prostitution, male prostitution is abhorrent to Latin American traditions.

7.7 The Existing Laws Regarding Pornography

The only legal regulations that are applicable to pornography in Chile are those contained in the Penal Code. Article 373 of the Penal Code states:

Those who through any means offend modesty and decency or good habits with grievous scandal or with effects that are not dealt with in other sections of this code will suffer imprisonment.

Article 374 reads:

Those who sell, distribute or exhibit songs, leaflets or other writings, whether printed or not, drawings, portraits or pictures contrary to good habits will be condemned to imprisonment and fine. The author and those responsible for the reproduction are equally guilty.

The punishments prescribed for violation of Article 373 is a term of imprisonment of one year and a fine equivalent to about US\$50 to 100, and for violation of Article 374, a prison sentence of two years and a fine equivalent to about US\$50 to 100.

The principles of public morals and good habits which are sought to be protected in these sections are those related to normal behaviour as understood in Christian culture. The idea of good habits are those related to the common good, those that help achieve respect for family life, honesty and orderly living.

Films that are shown in Chile must be first approved by a Special Council of 21 members representing the Ministry of Education, Universities, the Press, the Ministry of Justice and presided over by the Director of the National Library. This Council sits in committees of seven and must review and approve all film material proposed to be shown in Chile publicly. After review they classify the film into four groups according to the age of the people entitled to view it: (a) over 21 years; (b) over 18 years; (c) over 14 years and (d) all ages.

Exceptionally the Council can forbid a film but this relates specifically to films that offend national dignity or those that promote the use of drugs or justify homosexuality among both males and females. Pornography in itself is not a reason for forbidding a film. In extreme cases, cruelty or violence can be a reason for forbidding the film. There is a certain degree of self censorship applied by the film distributors as the Penal Code can interpret their intention for their proposal to project a pornographic film as attempting to offend public morals and modesty.

7.8 General Considerations Relating to the Problem of Pornography

The Hispanic American culture differs from the Anglo Saxon puritanism in many ways. In the Hispanic American culture sex life is easy going and considered normal. There are, of course, a few cases of violence associated with sex and sex problems but these are generally fairly obviously related to urban living. Sexual stimulation in the form of pornographic material is not necessary for sexual relations in the Hispanic American culture. Consequently, we find that pornography is not a well developed and booming industry as in the United States and in Europe.

Written pornography does not circulate to a great extent. Most written material is not written in this country and consequently available only in English. It is available for the English speaking reader and is usually brought into the country by travellers and tourists and is not available in book stores. Magazines such as Playboy, both U.S. and Brazilian editions, are available in book stores but are not on public display. Cruder pornographic visual material is not available.

Attempts have been made at producing pornographic magazines locally, but these have not been successful. One such attempt involved the production of "Hombre" -- a Chilean version of Esquire magazine but publication had soon to be stopped as it was found not to be financially viable. "Bravo" a mild analogy of Playboy has met with greater success. Its reading public is increasing gradually. This magazine, however, when compared with the foreign magazines could hardly be called pornographic.

With regards television, the channels in Chile can only be owned and operated by the state or by universities. Pornographic material is, consequently, never shown on them. Both the state and the universities appear to be anxious to ensure that nothing is shown that will start a controversy or a protest. Live shows are controlled by the municipal authorities and nude programs, total striptease and topless shows are not allowed on the grounds that they offend modesty and that the places where they are shown do not restrict the entry of clients under 21 years.

7.9 Official and Unofficial Extent of the Problem of Pornography

There is no problem of pornography in Chile. There is very little pornographic material shown or circulated in the country. There is no demand for it.

The control exercised by the Film Council and the municipalities may be responsible for this state of affairs. If it is so, it is important to note that their decisions are mainly matters of personal judgments and, consequently, there could be a reversal of the situation under a different set of people and a different policy. During the Socialist Government of President Allende (1970-1973) in which a disruption of bourgeois family life was

attempted, different methods were used to change the outlook and psychology of the younger generations. One method was the distribution of pornographic material and the encouragement of all sorts of sexual extravaganza. Conditions were such that in the School of Fine Arts the lecture hall had been decorated permanently by painting the walls with large sex organs and porno drawings.

Contributing to the absence of a problem of pornography in Chile is the state of the family in Chile. In Chile, the family is important and great importance is attached to family decisions. Contrary to what is happening in most other countries, the family in Chile is not disintegrating. There is an observable trend, urban life notwithstanding, towards regrouping into extended families. Since large families tend to steer away from obvious sexuality, pornography has made little or no headway in this country.

7.10 Public Opinion Concerning Pornography

There have been no public opinion polls conducted on pornography. The newspapers do not report any kind of interest of the public in the subject. The people, in general, appear to be thoroughly unconcerned about it. There isn't enough of it to stimulate public opinion one way or the other.

Home video systems are appearing in Chile but they are very expensive for the average citizen. Video clubs operate publicly but they do not have pornographic cassettes. If there were to be a wave of pornography as developed in Chile in the early seventies, a violent public protest is likely.

7.11 References

7.12 Acknowledgements

The material for this chapter was provided by Professor Roberto Escobar of the University of Chile in Santiago. The data for the Introductory Remarks was collected by Miss Tamara Perera.

VIII. ARGENTINA

8.1 Introductory Remarks

Argentina is an independent Republic, occupying most of the tapering southern half of the South American continent. Located east of the Andes, it is bounded by Bolivia, Paraguay and Brazil on the north and north east, by Chile and sub-Arctic waters on the south, by Uruguay on the east and by Chile on the west. It covers an area of 1,072,163 square miles and had a population of 28,438,000 in 1982. The country is divided into 22 provinces, one territory and a federal district comprising the capital city of Buenos Aires.

Constitutionally, Argentina is a federal republic, headed by a President who is assisted by a Council of Ministers. Legislative powers are vested in a National Congress. The three branches of the central government -- the Executive, the Legislative and the Judicial -- are separate but greatly dominated by the Presidency.

The President is elected for a single six-year term by direct popular vote. An absolute majority is required for election and if none receive this majority a second election is held with the top two or three candidates only running.

The authors of the original Constitution of 1853 were determined to create a strong Presidency and consequently the President of Argentina has extensive powers.

The Legislature consists of a bicameral National Congress. The Upper Chamber -- the Senate -- is composed of 69 members elected by provincial Legislatures in the cases of Senators representing the provinces and by a special body of electors in the case of those representing the Federal

District. Senators serve for a nine-year term. Every three years one third of the Senate is renewed.

The Lower Chamber -- the House of Deputies -- consists of 243 members elected by direct popular vote -- one member for every 85,000 inhabitants. They are elected for a four-year term. Half of the Chamber is renewed every two years.

Although there exists an elaborate system of provincial and local government, their powers are limited. The chief provincial executive is the Governor who is elected for a single six-year term by direct popular vote in most provinces. In some provinces he is elected by an electoral college. The structure of the provincial legislatures varies from province to province. Only those provinces with a population of over half a million have bicameral legislatures. Two thirds of the provincial legislatures are therefore unicameral. The term of office is usually four years for the Lower House and six years for the Upper. Activities of the provincial legislatures tend to centre on taxation, approval of provincial budgets and promotion of health care and education. After the military takeover in 1976, provincial legislatures were banned and Governors were appointed by the military executive.

Although the Government of Argentina is, in theory, structured in accordance with the Constitution of 1853, in practice, the country has been ruled for most of the period since 1930 by a series of military juntas, provisional governments and dictatorships, all of which suspended or disregarded any provisions of the Constitution which tended to interfere with their programs or were inconsistent with their goals. Since 1976, the country has been ruled by a military dictatorship and Congress has been taken over by

the military executive. In 1984, elections were held and Raul Alfonsin became the country's first freely elected President in 25 years. He has apparently effectively restored democracy.

The judicial power in Argentina is vested in the Supreme Court and a series of lower courts set up by the National Congress. Argentina is one of the few Latin American countries that maintains both a federal and a provincial judicial system. The Supreme Court heads the federal system. As the highest court in the country, it has the power to rule on the constitutionality of congressional enactments -- an authority that has been rarely exercised -- and to interpret national legislation. It has an appellate jurisdiction over the lower Federal Courts and the Provincial Supreme Courts. It has original jurisdiction in cases involving foreign dignitaries as well as in disputes in which a provincial government is a party. Its rulings are binding in all other courts.

In the federal system, below the Supreme Court are the Federal Courts of Appeal and the Federal Courts of First Instance. The jurisdiction of the Federal Courts is dependent on the subject matter of the cases as well as the persons involved. They have jurisdiction over cases involving the Constitution, laws or treaties of the nation, cases in admiralty and maritime justice, foreign diplomats, suits in which the nation is a party and suits between two or more provinces or between one province and the citizens of another. In criminal cases they have jurisdiction over cases in violation of Federal Law.

The jury system, although mentioned in the Constitution, is rarely utilized except in a few provinces such as Cordoba and in the Federal District.

The provincial judicial system closely parallels the federal in structure. Most violations of the Penal Code are heard by the Provincial Court

of First Instance and appeals are to their Provincial Courts of Appeal and their Provincial Supreme Court and finally to the Federal Supreme Court.

The Penal Code in Argentina is national in scope and tends to impart a strong centralization to the application of criminal justice. The range of penalties and their limitations are clearly prescribed by the Code although the courts are given some degree of latitude. Provincial governments are not permitted to enact their own penal codes. They are permitted to enact local laws and attach penalties to them.

8.2 The Extant Law on Prostitution

With reference to prostitution there are two pertinent pieces of legislation. The first is Law No. 12.331 relating to the prophylaxis of venereal diseases enacted in 1936 which contains two articles concerning prostitution and the other is the Penal Code which contains three articles referring to prostitution. The two articles in Law No. 12.331 are Article 15 and Article 17.

Article 15 reads:

It is forbidden in all the Republic to establish houses or premises where prostitution may be practised or enticed.

Article 17 reads:

Those who maintain, administer or manage brothels, ostensibly or under cover, will be punished with a fine of 1000 pesos national currency.

In cases of recidivism they will suffer imprisonment from one to three years.

If they are naturalized citizens, the penalty will have as accessory the loss of citizenship rights and the expulsion from the country once the penalty has been

executed; the expulsion will be also imposed if the offender is a foreigner.

With regard to the Penal Code, the relevant articles are Article 125, 126 and

127. Article 125 reads:

He who promotes or facilitates the prostitution or corruption of minors, whatever their sex may be, with the intent of making a profit or of satisfying their own desires or the desires of others, even with the consent of the victim, will be punished

with imprisonment from four to 15 years if the victim was less than 12 years old;

with imprisonment from three to 10 years if the victim was older than 12 years but younger than 18 years;

with imprisonment from two to six years if the victim was older than 18 years but younger than 21 years.

Whatever may be the age of the victim, the penalty will be from 10 to 15 years imprisonment if the act was performed by means of deceit, violence, threats, abuse of authority or any other form of intimidation or coercion, and also if the offender was a relative, a husband, brother, tutor or person in charge of the education of the victim or was the victim's guardian or if he lived with her in concubinage.

Article 126 reads:

He who promotes or facilitates the corruption or prostitution of minors, with the intent of making a profit or of satisfying his desires or the desires of others, by means of deceit, violence, threats, abuse of authority or any other form of coercion, will be punished with imprisonment from four to 10 years.

Article 127 reads:

He who has himself maintained, even partially, by a person who practices prostitution, by exploiting the profits originated from that activity, will be punished with imprisonment from three to five years and a fine from 20,000 to 500,000 pesos.

In 1983 the fine was raised from 500,000 to 20,000,000 pesos -- that is 50 to 200 pesos of the new currency.

8.3 Changes in the Law on Prostitution Including Jurisprudence

Law No. 12.331 was enacted in 1936. Articles 15 and 17 of this law were altered by Decree No. 10.638 of 1944 which permitted prostitution under certain conditions and circumstances. But this was repealed by Law No. 21.338. Decree No. 10.638 had been previously repealed by Law No. 17.567 but it had been reinstated by Law No. 20.509. Law No. 21.338 is in the process of being repealed but it is not known to what extent the law would be repealed.

In reference to Article 17 of Law No. 12.331, it is interesting to note that the Criminal Court of Buenos Aires included the mere practice of prostitution by a woman in her own home, by herself alone and independent of pimps within the provisions of that article (La Ley, Vol. 20, p. 1, 1939) while the Court of Appeals of Rosario decided, on the contrary, that such a practice did not fall within the said article (La Ley, Vol. 13, p. 773, 1939).

With regards Article 126 of the Penal Code, the provisions are very wide. As is being pointed out by Terian Lomas in a forthcoming publication, the expression "to promote" can include all actions which a person can initiate in the practice of prostitution ranging from giving birth to the idea of maintaining, habitually, sexual intercourse with a plurality of persons to

assuming the condition of a prostitute, maintaining it or intensifying it. Again, facilitating could be interpreted to mean removing obstacles and cooperating in the achievement of the purpose. The action may consist of giving admission to a brothel, in looking for customers, and in supplying the premises, the opportunity or the facilities. The facilitation may be an inducement, an incitement or a threat in which case it becomes the aggravated crime of Article 125. In the general case, fear will replace violence and a lie or advice will substitute deceit.

Articles 125 and 126 have been in force since 1921. During the period 1968 through 1973, a revised text replaced these sections.

The term "facilitation" in these Articles has been canvassed for interpretation in the courts. The Criminal Court of Buenos Aires held that the passive attitude of a husband or father should be construed as facilitation (La Ley, Vol. 17, p. 630, 1949). But the Supreme Court of Tucuman held that mere weakness or slovenliness or the simple omission of moral duties was insufficient, there must be positive actions (La Ley, Vol. 30, p. 253, 1940).

The High Court of Cordoba has held that Article 126 applied to a man who by threats, coercion and even violence, obliged his wife, who, previous to her marriage had practised prostitution and had voluntarily given up that practice, to continue with her trade. The Penal Code punished the promotion of prostitution that did not exist before and also the facilitation of a prostitution already initiated (Revista de Derecho Penal, Ediar 1945, 2nd Section, p. 497). The Criminal Court of Buenos Aires has held that ill treatment of a concubine to become a prostitute must be included among the means of coercion (La Ley, Vol. 6, p. 497, 1936).

8.4 The Problem of Prostitution

Prostitution is considered a problem in Argentina. However, since Law No. 12.331 was enacted outlawing prostitution, there has been an increase in sexual offences such as rape. This is the opinion expressed by the police and generally held by the public. In Rosario, prostitution appears to be less of a problem now than it was in 1936. The opposite appears to be the situation in Buenos Aires and in Mendoza where the incidence of prostitution is great. In Corrientes and in the south of the Republic, mainly in Comodoro Rivadavia (Province of Chubut) and in Rio Gallegos (Province of Santa Cruz) there are authorized brothels operating. Comodoro Rivadavia is an important spot on the map of prostitution.

Though the police consider prostitution as a problem they do not believe that is is the only problem or even the most serious one. They believe that drugs are a far more serious problem than prostitution and capable of doing society much more harm. The main problem with prostitution, the police claim, is the spread of venereal disease and that is a health problem rather than a criminal one.

8.4 Public Attitude Towards Prostitution

Although the attitude of the Catholic church has always been against prostitution and although it exerts an influence on the people, the general attitude of the public appears to be that Law No. 12.331 needs reform. There are, of course, the "Decency Leagues" which believe in total abolition and do work towards achieving it. But they do not appear to be making much headway.

8.6 Extent of Prostitution

The only statistical information available on prostitution in Argentina is that afforded by the Criminal Statistics and edited by the National Ministry of Justice through the National Registrar of Recidivism and Criminal Statistics. According to the data available in these publications, there were a total of 130 convictions for violation of Article 125 in 1981. In four of these cases, minors 14 to 17 years were involved, in three, minors 18 to 20 years and in 14 of them, women. The 130 cases represented 14.18% of all sexual offences. In 1982 there were 100 convictions (six of minors 18 to 20 years and 12 of women). The 100 cases represented 13.65% of all sexual offences.

There were a total of nine convictions under Article 126 in 1981. Two of them were women. In 1982 there were 10 convictions out of which two were women.

The total number of convictions under Article 127 was 12 in 1981, of which seven were women, and 17 in 1982, out of which one was a minor between 18 and 20 years old and four were women.

8.7 The Extant Law on Pornography

Dealing with pornography is Article 128 of the Penal Code which reads:

He who publishes, fabricates or reproduces obscene books, papers, images or objects, with the purpose of diffusing or exposing them to the public, and he who exhibits, distributes or makes them circulate, will be punished with imprisonment for a period between two months and two years.

The same penalty will be imposed on those who offer obscene theatrical, cinematographic or television shows, or broadcast similar radio programs.

The same penalty will be imposed on he who exhibits, sells or gives to a minor of 16 years or under, books, papers, images, objects that, even though they may not be obscene, may seriously affect his decorousness or stir or pervert his sexual instinct.

Also dealing with pornography is Law No. 23.052 of 1984, which deals with censorship. This law repealed Law No. 18.019, which created the Organization for Film Qualifications -- the Censorship Board. According to the new law, the task of reviewing and certifying films devolves on the National Institute of Cinematography. The task that they have to perform is:

To establish their [films'] fitness to be seen by minors including the possibility, if it were thought convenient, for the minors to see certain films in the company of their parents;

To warn adults about their contents by means of specific qualifications.

What the Institute really does is to identify the age group that could see the films. In the case of films that are only erotic, the films are classified as only fit for majors of 18 years and over. Real pornographic films receive a certificate from the Institute which states "Only for majors of 18 years and over and in cinemas of conditioned exhibition"; the prices of the tickets at these theatres are much higher than in the ordinary cinema.

8.8 Problems with the Law and Law Enforcement

There is considerable opposition to the laws on pornography. It is claimed that the concepts of obscenity and pornography have their boundaries defined by the repulsive and offensive character of the object considered pornographic. While such objects must be forbidden, because of the harm that

they cause, it is essential to ensure that the ban on them does not cause the greater harm of suppressing liberties. For this purpose it is necessary to carefully differentiate between a work of art and an expression of pornography. The opposition keeps on reminding that great literary works such as those of Prevost, Voltaire, Maupassant, Zola, Baudelaire, Flaubert, Oscar Wilde, James Joyce and D.H. Lawrence, have been the objects of prosecution and persecution. The opposition intensified after the Argentine Republic excluded from the Teatro Colon's repertory, Bomarzo, the opera by Ginastera and Mujica Lainez.

As it is possible to use the last paragraph of Article 128 to ban scientific anatomical illustrations, reproductions of famous works of art, treatises on legal medicine, Forel's "Sexual Pathology", the Decameron, Fernando de Roja's "La Celestina", which is included in the programme of Spanish Literature in the Secondary Colleges in Argentina; objections have been raised against it and it has been considered to be a dangerous invasion into the territory of science, art and literature.

There have been many court decisions regarding the interpretation of pornography. The chief trends in the jurisprudence appears to be:

- (1) A book is much less dangerous than images and magazines;
- (2) Some of the lighter material has been declared not to be obscene;
- (3) A work cannot be judged by an isolated paragraph. The obscenity of that paragraph must be considered in the total context of the book;
- (4) The intention and purpose of the author is of utmost importance in the evaluation of a work for pornography. If it is of the moralizing kind, then it annuls what may be objectively obscene;

- (5) A real work of art should not be condemned by its apparent obscenity.

The decisions that sustain these principles were found in Criminal Court of Appeals in Buenos Aires, Fallos, Vol. 11, p. 450 (1924), Jurisprudencia Argentina, 1959, Vol. III, p. 431 and Jurisprudencia Argentina, 1957, Vol. III, p. 82. Another judgment of pertinence in this connection is found in Criminal Courts of Appeal of Buenos Aires, Fallos, Vol. II, p. 446 (1923), which excludes from the qualification of obscenity superior literary works as well as works of research, science or education.

8.9 The Extent of the Problem

In 1981 there were five convictions under Article 128. This amounted to 0.54% of the convictions for sexual offences. In 1983 there were three convictions. This is mainly due to the fact that the police intervene only in exceptional cases. Most decisions to prosecute are made by the local authorities. In Rosario such a decision was made in the case of Louis Malle's film, "Les Amants", and again in Buenos Aires in connection with Jorge Amado's theatre piece, "Don Flor y sus dos maridos".

Most pornographic books and magazines which circulate in Argentina are imported either from the United States or from Brazil. They are not legally imported but are smuggled in. The majority of magazines which are edited in Argentina are really more erotic than pornographic.

In Buenos Aires there are small theatres devoted to striptease and supposed porno shows. But they exhibit much less than what they promise.

A problem that appears to be arising in connection with pornography is the one of pornographic video cassettes. There are a number of video clubs

where it would be possible to buy or rent porno films in video cassettes. This seems to be a problem to which some attention should be paid.

8.10 Public Attitude Towards Pornography

The public attitude towards pornography with the exception of groups such as the Decency League is one of total indifference. Once, religious groups reacted violently against the cinema and theatre when they expressed an intention of exhibiting Jesus Christ Super Star. There was a similar reaction against an Italian theatrical company which wanted to put on a play called "Mistero Buffo". The question here, however, was one of violating religious sensitivities rather than one of pornography.

Newspapers and magazines have published articles on pornography. Siete Dias (No. 185, 13th to 19th June 1984) published a series entitled "Investigacion especial. La pornografia en la Argentina". This series claims that what is being objected to as pornography are only timid realities. More is promised than is given. It also states that the local market, in comparison to the United States, is non existent. Everything in the pornography industry -- films, video cassettes, magazines, books -- except the girls in the striptease shows in Buenos Aires has to be imported and as they cannot be imported legally they have to be smuggled in. There are no specific groups involved in the trade. The attitude of the authorities is limited by the idea of censorship. Also, what is available in Argentina is soft core rather than hard core pornography.

8.11 References

R.A.M. Terian Lomas: Derecho Penal (forthcoming).

8.12 Bibliography

P.B. Aquino: Delito de rufianeria. Buenos Aires, 1971.

C. Fontan Balestra: Tratado de Derecho Penal. Buenos Aires, 1969.

Instituto Argentio de Estudios Legislativos. Le Ley No. 12.331 de Profilaxix Antivenerea. Buenos Aires, 1945.

L. Jimensz De Asua: La Prostitucion y el delito. Buenos Aires, 1940.

L. Jimensz de Asua: Protection penal del pudor publico. El Criminalista 2nd Series, Vol. 5 (1961).

R. LaveneL Manual de Derecho Penal. Buenos Aires, 1978.

L. Laje Anaya: Comentarios alCodigo Penal. Buenos Aires, 1979.

R.C. Nunez: Derecho Penal Argentino. Buenos Aires, 1964.

S. Soler: Derecho Penal Argentino. Buenos Aires, 1943.

E.J. Ure: El pudor y la ley penal. Buenos Aires, 1959.

H.N. Zinni: El Rosario de Satanas. Historia triste de la mala vida. Rosario, 1980.

8.13 Acknowledgement

This chapter has been based on information supplied by Dr. R.A.M. Terian Lomas of the Institute of Penal Law and Criminology of the Universidad Nacional de Litoral in Santa Fe. The data for the Introductory Remarks was collected by Miss Tamara Perera.

IX. SRI LANKA

9.1 Introductory Remarks

The Democratic Socialist Republic of Sri Lanka, once known as Ceylon, is an independent island state situated in the Indian Ocean about 60 miles of the south east coast of India. It covers an area of 25,332 square miles and had a population of 14,850,000 in 1981. A British colony once, it received independence in 1948. Then it had a Westminster type bicameral parliamentary system with the members of the lower house elected by popular vote and half the members of the upper house elected by the lower house and the other half appointed by the Governor General on the advice of the Prime Minister. In 1972, the Constitution was changed to make the country a Republic and the legislative body -- the National Assembly -- a unicameral chamber whose members were elected by popular vote. The President was Head of State but the Prime Minister was the Head of Government.

In 1977 the Constitution was changed a second time to convert the government into a Gaullist type Republic in which the President was vested with executive powers and was made both Head of State and Head of Government. The President is now elected by popular vote to serve a term of six years. The 196 members of the National Assembly are also elected but through a system of proportionate representation. However, the Constitution gives the President the authority to extend the life of parliament through a referendum so that after its six-year term, parliament need not be dissolved and an election called.

For administrative purposes, the country is divided into nine provinces and 22 districts, presided over by Government Agents as the chief executive officers. There are no provincial or district legislatures. In recent

times, however, moves have been made to create District and Regional Councils for the devolution of some of the legislative and executive powers of government. Cities and towns are managed by Municipal, Urban and Town Councils and in rural areas there are Village Committees performing the same functions. Members of these councils and committees are elected by popular vote.

The system of justice is that inherited from the British. There is a Supreme Court which organizes itself as a Constitutional Court to deliberate on constitutional matters, an Election Court to hear election petitions, a Court of Criminal Appeal to hear appeals from the Court of Assize, a Court of Assize to hear cases involving serious crime as an original court, and an Appeal Court to hear appeals from the lower courts. There is then a District Court which is mainly civil in its jurisdiction but which does hold criminal sessions to hear criminal cases too venal for trial in the Supreme Court and too serious for trial in the Magistrate's Court. The District Court also acts as the Court of Appeal for judgments delivered in Rural Courts.

A third level of courts constitutes the Magistrate's Courts which deal with all criminal matters summarily or non-summarily and its civil counterpart the Court of Requests which deals with civil matters where the monetary value involved is relatively small. At the lowest level is the Rural Court which has both criminal and civil jurisdiction but deals with extremely minor matters. Proceedings in the Rural Court are informal and the main aim of these courts, the Rural Court Ordinance stipulates, is "to endeavour to bring the parties to an amicable settlement and to remove, with their consent, the real cause of grievance between them".

In addition to these courts, there are the Municipal Courts hearing cases involving the violation of Municipal by-laws and Labour Tribunals for the adjudication of labour disputes. There are also Juvenile Courts for dealing with Juvenile Delinquency. Except in the capital city of Colombo, where there is a separate Juvenile Court, the Magistrate's Court assumes the role and function of the Juvenile Court.

The common law base of the system is the Roman Dutch Law. However, there has been considerable British influence especially in connection with criminal matters. In personal matters the different ethnic groups which constitute the population of the country are governed by different laws. The Kandyan Sinhalese are governed by the Kandyan Law. The Sri Lankan Tamils are governed by the Thesavalamai. The Batticoloa Tamils are governed by the Mukkur Law. The Moors and Muslims are governed by the Muslim Law. And the Buddhist Clergy are governed by the Buddhist Ecclesiastical Law.

9.2 The Existing Law on Prostitution

There is no separate law on prostitution in Sri Lanka and prostitution is not a crime. Legislative attempts, however, have been made to control prostitution by controlling behaviour which facilitates or promotes prostitution. The relevant legislation is found in the Brothel's Ordinance, Chapter 31 of the Legislative Enactments of Sri Lanka, the Vagrants Ordinance, Chapter 31 and in the Penal Code, Chapter 19.

The Brothel's Ordinance outlaws the use of a building for purposes of prostitution. Section 2 reads:

Any person who

(a) keeps or manages or acts or assists in the management of a brothel, or

(b) being a tenant, lessee, occupier or owner of any such premises, knowingly permits such premises or any part thereof to be used as a brothel or for the purpose of habitual prostitution, or

(c) being the lessor or landlord of any premises or the agent of such lessor or landlord lets the same or any part thereof, with the knowledge that such premises or some part thereof are or is to be used as a brothel or is wilfully a party to the continued use of such premises or any part thereof as a brothel,

shall be guilty of an offence and shall, on conviction, be liable

(1) to a penalty not exceeding five hundred rupees or, in the discretion of the Court, to simple or rigorous imprisonment for a term not exceeding six months or to both such fine and imprisonment

(2) on a second or subsequent conviction to a penalty not exceeding a thousand rupees or, in the discretion of the Court, to rigorous imprisonment for a term not exceeding one year or to both such fine and imprisonment

and in the case of any conviction under this section such person may, in addition to any such penalty or imprisonment as may be imposed by Court, be required by the Court to enter into a recognizance, with or without sureties as to the Court seems meet, to be of good behaviour for a period not exceeding 12 months; and in default of entering into such a recognizance with or without sureties (as the case may be) such a person may be sentenced to simple or rigorous imprisonment for a period not exceeding three months in addition to any such term of imprisonment aforesaid.

Section 3 reads:

Any person who shall appear, act or behave as master or mistress or as the person having the care, government or management of any brothel, shall be

deemed and taken to be the keeper or manager thereof and shall be liable to be prosecuted and punished as such notwithstanding that he or she shall not in fact be the real keeper or manager thereof.

Section 4 reads:

Upon convictions of the tenant, lessee or occupier of the premises of any offence under this Ordinance, it shall be lawful for the Court...to declare that tenancy or occupation...terminated from such date and may by the same or further order direct that the possession of the premises shall be delivered to any person entitled to the possession.

In the event of...the tenant, lessee or occupier so convicted being subsequently convicted of an offence under this ordinance in respect to the same premises such landlord or lessor shall be deemed to have knowingly abetted the said offence and shall be liable to be prosecuted and punished accordingly unless he proves he had taken all reasonable steps to prevent the recurrence of the offence.

The Vagrants Ordinance deals with soliciting and living off the earnings of a prostitute. Section 7 reads:

The following persons, that is to say

- (a) any person in or about any public place soliciting any person for the purpose of the commission of any act or illicit sexual intercourse or indecency whether with the person soliciting or with any other person, whether specified or not
- (b) any person found committing any such act of gross indecency or found behaving with gross indecency in or about any public place
- (c) any person found
 - (i) in a public enclosure contrary to any local by-laws or regulations prescribing the use of such enclosures; or

(ii) in any enclosure belonging to the Crown without the permission of the person in charge thereof; or

(iii) within any private enclosure attached to any dwelling house, except upon the invitation of any inmate of the premises

under such circumstances that it is reasonable to infer that he is there present for immoral purposes unless he is able to explain his presence to the satisfaction of the court by which he is being tried

shall be guilty of an offence and shall be liable on summary conviction to imprisonment of either description for a period not exceeding six months or to a fine not exceeding a hundred rupees or to both.

In the case in which any person who has been convicted or an offence under paragraph (a) of the last preceeding subsection shall subsequently be convicted of another such offence, he shall, if male, in addition to any other punishment to which he may be sentenced by Court, be liable, at the discretion of the Court, to be sentenced to be whipped.

Section 8 reads:

Any person who

(a) knowingly lives wholly or in part on the earnings of a prostitute,

(b) systematically procures persons for the purpose of illicit or unnatural intercourse;

...

shall be liable

(i) ... to imprisonment of either description for a period not exceeding six months or a fine not exceeding 100 rupees or both

(ii) ... and on subsequent conviction to imprisonment not exceeding two years and, if male, in addition to any such imprisonment if the Court in its discretion directs to be whipped.

Every male person who is proved to live with or to be habitually in the company of a prostitute and every person whether male or female who is proved to have exercised control, direction or influence over the movements of a prostitute in such a manner as to show that he or she is aiding, abetting or compelling the prostitution of such person or generally shall unless the Court is satisfied by evidence to the contrary be deemed to be knowingly living on the earnings of prostitution.

Section 11 of the Vagrants Ordinance deals with the seduction of minors by persons in whose care the minors are. It reads:

Every person having the custody, charge, or care of a girl who causes or encourages the seduction or prostitution or unlawful carnal knowledge of the said girl shall be guilty of an offence and shall be liable on summary conviction thereof to a fine not exceeding 100 rupees or imprisonment of either description for any term not exceeding six months or both such fine and imprisonment.

...person shall for the purposes of this section be deemed to have caused or encouraged the seduction or prostitution or unlawful carnal knowledge (as the case may be) of a girl who has been seduced or become a prostitute or been unlawfully carnally known, if he has knowingly allowed the girl to associate with or to enter or continue to be in the employment of any prostitute or person of known criminal character.

Also dealing with prostitution is a section of the Penal Code — Chapter 19 of the Legislative Enactments. This section, Section 360A, deals with procuring. It reads:

Any person who

procures or attempts to procure any girl or woman under 20 years of age to leave Sri Lanka (whether with or without her consent) with a view of illicit sexual intercourse with any person outside Sri Lanka or removes or attempts to remove any such girl or woman (with or without her consent) for the said purpose;

procures or attempts to procure a girl or woman to leave Sri Lanka (with or without her consent) with the intent that she may become an inmate of or frequent a brothel elsewhere or removes or attempts to remove any such girl or woman (with or without her consent) for the said purpose;

brings or attempts to bring into Sri Lanka a girl or woman under 21 years of age (with or without her consent) with a view to illicit sexual intercourse with any person whether within or without Sri Lanka;

procures or attempts to procure a girl or woman (with or without her consent) to become within or without Sri Lanka, a common prostitute;

procures or attempts to procure a girl or woman (with or without her consent) to leave her usual place of abode in Sri Lanka (such place not being a brothel) with the intent that she may for the purpose of prostitution become an inmate of or frequent a brothel within or without Sri Lanka;

shall be guilty of an offence and shall be liable on conviction to imprisonment of either description for a period not exceeding two years and, if a male, in addition to such imprisonment to be whipped.

Provided that no person shall be convicted of any offence under this section upon the evidence of one witness, unless such evidence be corroborated in some material particular by evidence implicating the accused.

9.3 Problems with Enforcement of the Law

One problem arising persistently in the case of persons charged under the Brothel's Ordinance has been the definition of the term brothel. When the law was first enacted in 1889, section 2 to the the Ordinance stated (as it does now):

Any person who

keeps or maintains or acts or assists in the
management of a brothel

shall be guilty of an offence.

This section is almost verbatim the corresponding section in the English law. The term brothel, however, has not been defined in either the English or the Sri Lankan codes. It was thought to mean a common bawdy house. However, in 1882, in R. v. Holland, Lincolnshire Justice — 1882 (46) J.P. 312 — Grove J., with reference to a brothel, stated:

... But what needs only to be proved is this, namely, that the premises were kept knowingly for the purpose of people having illicit sexual connection there.

In 1895, the definition was slightly altered in Singleton v. Ellison, 1895 (1) Q.B. 607, where one woman who occupied a house, frequented day and night by a number of men for the purpose of fornication, was charged under the ordinance. In this case, Willis J. defined a brothel as:

... the same thing as a bawdy house which ... applies to a place resorted to by persons of both sexes for the purpose of prostitution. It is certainly not applicable to the case where one woman was received by a number of men.

This tradition was followed in Sri Lanka until 1919 when, in the case of Silva v. Suppu, 21 N.L.R. 119, Schneider A.J. thought that the term brothel should be given a "meaning consistent with local ideas and conditions". In this case, two men were found in adjoining rooms with women who admitted that they had come there for the purpose of prostitution. Schneider A.J. altered the definition of brothel to

a place managed by a man, usually called a brothel keeper, to which men come for the purpose of prostitution with women or with one woman in the premises.

The definition was challenged repeatedly but it held ground until 1935 when Soertz J. in Toussaint v. Cecilia, 37 N.L.R. 309, introduced two modifications. The first was that the management was not necessarily by a man called the brothel keeper: it could be "by a person called the brothel keeper", and the second was that men would resort there for the purpose of prostitution with only those women who were found there, but

for the purposes of having sexual intercourse with women who were found in the house or with women who resort to or are introduced into the house.

In 1977, the problem of definition again arose. On this occasion, a woman, ostensibly operating a dress boutique, made arrangements with men, to whom she showed photographs of the women available, to have sexual intercourse with the woman chosen in a place outside the premises. Argued on her behalf when she was charged under the Brothels Ordinance with managing a brothel was that

it was imperative that the acts of indecency or sexual intercourse should be committed or opportunities for such acts should be available in the premises itself to which persons of both sexes resort to for the purpose of prostitution.

Arguing that

the true reason of a remedy and therefore the office of all judges is always to make such construction as shall suppress the mischief and advance the remedy, and to suppress subtle inventions and invasions for continuance

of the mischief and pro privato commodo, according to the true intent of the maker of the Act, pro bono publico,

Pathirana J., with Titawella J. agreeing, held in this case, Dorothy Silva v. Inspector of Police Pettah, S.C. 12/78, M.C. Maligakande 19422, 78 N.L.R. 553:

The live element need not be present in the premises to render a place a brothel within the meaning of the Ordinance. If the resourceful brothel keeper thinks that he can circumvent the Ordinance without keeping women in the premises by the subtler device of displaying the photographs of them in the premises and soliciting men to make their selections from the photographs and adopting some method by which the woman answering to the descriptions of the photograph is supplied from a place outside the premises to be taken to a place outside the premises for the purpose of prostitution, a person resorting to this subterfuge is also guilty of managing a brothel within the meaning of the Ordinance.

9.4 The Extent of Prostitution

The number of cases of prostitution, brothels and soliciting known to the police during the period 1978 through 1983 are found in Table 9.1. These figures show considerable variation from one year to another, due perhaps to variation in police activity. They also indicate a steady decline. The police, however, do not believe that there is a decline in the phenomenon. They claim that the law is inadequate and that the requirements of the Brothels Ordinance and the Vagrants Ordinance make it very difficult for them to obtain a conviction and, consequently, they are not very enthusiastic about cleaning up the country. They also claim that there are instances where the police are fully aware that a hotel or home is being utilized for prostitution but where the existing law prevents them from taking any meaningful action.

Table 9.1 The number of Prostitutes, Brothels and cases of Soliciting known to the Police. 1978 through 1983 in Sri Lanka

Year	Prostitution	Brothels	Soliciting
1978	1534	20	815
1979	4164	261	439
1980	1049	21	95
1981	1007	12	238
1982	1322	9	298
1983	860	15	109

Source: Police Department.

Although the statistics indicate a decline in prostitution, a survey on prostitution conducted in Sri Lanka over a 20-year period by Professor Nandasena Ratnapala of the Department of Sociology of the University of Sri Jayewardene Pura indicates that there has been a phenomenal increase in the number of prostitutes. When the survey started in 1960, Professor Ratnapala claims that there were approximately 1200 prostitutes in Colombo. They were mainly street walkers from the lower income groups. By 1980, the number of prostitutes had increased to 17,000 in and around Colombo alone. Professor Ratnapala's study is completed but the results have not been published as yet. No idea is available of the methodology he used, to ascertain the reliability of his estimates. But, it is generally believed that the incidence of prostitution has increased.

9.5 The Problem of Prostitution

There is a general belief that prostitution, both male and female, is on the increase in Sri Lanka. Tourism and the development of the tourist industry has been identified as the cause of this. There are indications that prostitution is carried on as a well organized commercial activity in many cities and towns in Sri Lanka catering mainly to tourists.

The nature of prostitution in the country has changed. In the past, the prostitutes who used to be drawn into the police net were women from lower income groups, who had come to the city in search of employment and ended up as street walkers. This type of prostitute and prostitution is fast disappearing. There are now more opportunities for self employment in the villages for women. In the estate areas, with the displacement of Indian labour, more women are able to find work on tea and rubber plantations. Also the development of industries with foreign collaboration has provided more opportunities for work for women. The construction boom has also provided opportunities for employment for women at building sites. A large number of women have left Sri Lanka for employment as house-maids in the Middle East. These women fell into the lower income category. Because of these changes, the number of women coming into the big cities in search of employment and ending up as street walkers has reduced considerably.

The study conducted by Professor Ratnapala suggests that prostitution is now becoming a well organized middle and upper class enterprise with operators in a number of major hotels, comparing favourably with the highly sophisticated organizations anywhere else in the world. He attributes this change to the increase in tourism and the liberal economic policy. A

number of women are apparently taking to prostitution as a part time occupation to earn additional income.

In addition to the increase in female prostitution, there is an increase in male prostitution -- mainly young boys catering to the needs of tourists. A study of this problem has been made by Mr. Tim Bond, who has submitted a memorandum to the Secretary of National Planning for action to be taken in conjunction with the police and the tourist board. According to Mr. Tim Bond, Sri Lanka has now become second only to the Philippines as a centre for boy prostitutes. "Male tourists are coming", he claims, "in increasing numbers each year to purchase in Sri Lanka this brand of sexual intercourse at a cheap rate."

The study of Mr. Bond reveals the characteristic features of this problem to be:

1. Boys as young as eight years have abandoned school in order to sell themselves to tourists;
2. A growing number of these boys come not from the lower income classes but from the middle and upper classes. Their parents know nothing about their activities;
3. Though the main centres for boy prostitution are Negombo, Wellawatte, Dehiwala, Mt. Lavinia, Ratmalana, Moratuwa and Kandy, the whole of the west coast is affected by it and there is evidence of it on the east coast as well, especially in Trincomalee. There are about 2000 full time or part time male prostitutes in the country;
4. 40% of the boys treated for early infectious syphilis at the V.D. Clinic in Colombo admitted that they had contracted the disease

through homosexuality. The figure is apparently higher because the boys are reluctant to admit their homosexual involvement;

5. In tourist resorts there are guest houses and hotels which permit tourists to take boys to their bedrooms for a short time or for the night;
6. Some tourists rent houses and hire boys as domestic help. In this way they avoid any embarrassment they might encounter in a guest house or hotel. In addition, they involve the boys in the making of pornographic films;
7. Many boys are taken by the tourists to their home countries, especially Germany, where they spend about three to six months prostituting and are sent back with some money in their pockets;
8. Many boys involved in prostitution begin to steal from their clients. There is no drug activity associated with the prostitution now but there is a possibility that it might;
9. At present the prostitution is not organized. It is a private enterprise and the children are self employed. However, the possibility of organization does exist. In one guest house in Negombo, which has an international reputation for boy prostitution, the manager supplies boys on demand according to the specifications of the client.

The knowledge of prostitution, prostitutes and brothels is so rife in the country that the police believe that seven out of ten school boys are able to point out prostitutes and brothels in Colombo. Tim Bond claims that the boys who engage in prostitution know exactly what hotels and guest houses permit the activity to go on in their premises. With the knowledge becoming

widespread and no action taken against it, it tends to become considered a normal activity and consequently have an effect on the morals of the country.

There is also the problem of venereal disease but no information is available on that problem.

9.6 Public Attitude Towards Prostitution

There have been no public opinion polls conducted on the subject. The public attitude is best described as one of disinterest. The newspapers have occasional published articles pointing out that the incidence of venereal disease is on the increase attempting to create a public awareness of the problem. But the public has remained lethargic and unconcerned.

The police attitude is that there is a need to change the law and that, until that is done, there is no way in which the phenomenon could be controlled. Professor Ratnapala's study indicates that there are an average of six prostitutes arrested in Colombo by the police each day. This gives an annual number of 2190 which is much higher than the number recorded as known to the police for the entire island, suggesting that many of the prostitutes are dealt with informally and released by the police without any official record of their arrest being made.

9.7 Movements Towards Changing the Laws on Prostitution and Getting Better Enforcement

In the absence of any interest on the part of the public in the phenomenon, it could be assumed that there are no movements whatsoever to have prostitution controlled by either altering the law or by getting the existing law better enforced. The police have repeatedly stressed that the existing laws

are antiquated and that there is a need for a change of the laws if the phenomenon is to be controlled. It is, however, not the police alone that have been interested in seeing that something is done. There have been individuals who, appalled at what they call the increasing incidence of prostitution and the involvement of young boys in the phenomenon, have made suggestions as to how the phenomenon could be controlled even without any legislative change.

Tim Bond, for example, has pointed out that the Brothels Ordinance could be used to control male prostitution by charging managers of guest houses and hotels that allow young boys to be admitted to the rooms of the guests as manager of brothels. With the trouble that the police have had regarding the definition of a brothel, one really wonders whether the law would be sufficient for that purpose. Unless a move is made in this direction, no one will ever know for sure.

With regards to boys who are employed ostensibly as domestic help in the houses rented by tourists, Tim Bond suggests that the Employment of Children and Young Persons Act could be used. Article 59 of this Act states:

Subject to the provisions of this section and of any regulation made thereunder, no child shall be employed:

- (a) so long as he is under 12 years of age; or
- (b) before the close of school hours on any day on which he is required to attend school; or
- (c) before six o'clock in the morning or after eight o'clock in the evening on any day; or
- (d) for more than two hours on any day on which he is required to attend school; or
- (e) for more than two hours on any Sunday; or
- (f) . . . ; or

(g) in any occupation likely to be injurious to his life, limb, health or education.

Article 63 reads:

No person shall employ a child in such a manner as to prevent the child from attending school in accordance with the provisions of any written law.

He also points out that homosexuality is a crime and defined in the Penal Code. Article 365 reads:

Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment of either description for a term which may extend to ten years and shall also be liable to fine.

Article 365A reads:

Any male person who, in public or private, commits or is a party to the commission of, or procures or attempts to procure the commission by any male person of any act of gross indecency with another male person shall be guilty of an offence. . . .

A male person is defined as a man or male child of any age.

Tim Bond points out that the law is extremely difficult to enforce as it stands and suggests the enactment of a new law which would read:

It is illegal for any visitor to Sri Lanka, on a tourist visa, to entertain or receive visits from or employ a child or young person under the age of 17 years, resident in Sri Lanka, inside the premises of a hotel, guest house (registered or unregistered), or house rented by him, unless he can establish satisfactorily a family relationship with the child or unless the child is accompanied by at least one of his parents.

It is also illegal for any owner and/or manager of a hotel, guest house or rented house to permit the above.

Little or not action, however, has been taken.

9.8 The Existing Law on Pornography

The law relating to pornography in Sri Lanka is found in the Obscene Publications Ordinance -- Chapter 30 of the Legislative Enactments -- and in the Public Performances Ordinance -- Chapter 176. The Obscene Publications Ordinance states:

It shall be an offence against this ordinance punishable on conviction by a Magistrate with a fine not exceeding 1000 rupees or imprisonment of either description for any period not exceeding three months or both such fine and imprisonment to do any of the following acts, namely:

- (a) for purposes of or by way of trade or for distribution or for public exhibition, to make or produce or have in possession, obscene writings, drawings, prints, paintings, printed matter, pictures, posters, emblems, photographs, cinematograph films, or any other obscene objects;
- (b) for the purpose above mentioned to import, convey, or to export or cause to be imported, conveyed, or exported any of the said obscene matters or things or in any manner whatsoever, to put them into circulation;
- (c) to carry on or to take part in any business whether private or public concerned with any of the said obscene matter or things or to deal in the said matters or things in any manner whatsoever or to distribute them or to exhibit them publicly or to make business of lending them;
- (d) to advertise or make known by any means whatsoever in view of assisting in the said punishable circulation or traffic that a person is engaged in any of the above punishable acts or to

advertise or to make known how or from whom the said obscene matter or things can be procured either directly or indirectly.

A person who abets the commission of an offence against this Ordinance shall be deemed to be guilty of the same offence.

The Public Performances Ordinance states:

Public performances are

- a. every public dramatic representation;
- b. every exhibition of pictures or optical effects by means of a cinematography, magic lantern or other similar apparatus;
- c. every exhibition of dancing, conjuring, juggling acrobatic performance, boxing contest, circus concert or other stage entertainment but does not include any performance on private premises to which the public are not admitted whether on payment or otherwise.

The Ordinance ordains that the Minister responsible will make rules for the issue of licences for public performances. Section 6 of the Ordinance states:

No public performance shall be exhibited or presented unless it has been certified by a certifying authority as suitable for public exhibition.

The Minister may by order published in the Gazette appoint any person or persons by name or office to . . . the certifying authority.

The certifying authority shall have the discretion

- a. to grant or refuse a certificate to the effect that any proposed public performance is suitable for public exhibition
- b. by order to revoke any such certificate previously granted under paragraph a.

Section 8 prescribes the punishment for contravention of the provisions of this Ordinance -- a fine not exceeding 1000 rupees or imprisonment of either description for any period not exceeding six months.

9.9 The Problem of Pornography

There is hardly any pornographic material written in the English language available in the country, but pornographic publications written in the vernacular are readily available in the open market and are sold openly throughout the country. In addition to this literature, there are nude and lewd photographs also available openly for sale. The pornography laws are not used to control the phenomenon. Instead, the claim is made that, ridiculous though it may sound, the pornography laws have been used mainly against journalists during times of emergency in the country to prevent and delay their despatches abroad as well as to delay the release of foreign publication containing adverse publicity about the government that came into the country. These publications are held back on the grounds that they have to be examined to see whether they contain any obscene material.

In recent times since the introduction of television, obscene video cassettes which can be shown at home have become popular and readily available.

9.10 Extent of the Problem

According to police statistics, there were 803 persons charged with the publication or sale of obscene material in 1978. The number fell to four in 1979, increased to 55 in 1980, fell to seven in 1981, remaining at that level in 1982 and increasing to 17 in 1983. These wide fluctuations definitely reflect

police activity. Mr. Tyrell Goonetilake, Deputy Inspector General of Police, has expressed the view that the police statistics do not indicate the size of the problem. He is also of the opinion that the sale of pornographic books and nude or lewd photographs do not constitute a menace to society. The real menace lies in the video cassette films.

9.11 Public Movements to Change the Law of to Obtain Better Enforcement

There have been no movements on the part of the public to change the pornographic laws or to obtain better enforcement of the existing laws. However, a lone crusade seems to have been conducted by Mr. Gunadasa Liyanage, a prominent Sinhala journalist, who has persistently written articles on the subject drawing it to the attention of the public. The Sarvodaya Movement and well as the Young Mens Buddhist Association have, from time to time, pointed out the need for government intervention to check the production and the sale of pornographic material particularly to children. These efforts, however, have been sporadic and not sufficiently sustained to make an impact. The police have also pointed out, repeatedly, the need to change the laws. All combined appear to have had a salubrious effect because the government announced on June 14th 1984 that it had decided to change the law on pornography with one of the changes being the imposition of more stringent punishments on persons making a business out of pornography. The details of the amendments have not been spelled out.

9.12 References

9.13 Acknowledgements

This chapter has been based on information supplied by Mr. J.P. Delgoda, Commissioner of Prisons, and by Mr. B.H.S. Jayewardene of the Associated Newspapers of Ceylon. The data for the Introductory Remarks was collected by Miss Tamara Perera.

X. JAPAN

10.1. Introductory Remarks

Japan is an island nation located in the western part of the north Pacific Ocean off the coast of Asia. It is comprised of four main islands, second secondary islands and island groups and more than 1000 lesser adjacent islands all extending in an arc north-east to south-west, and covering a total area of 143,706 square miles. It had a population of 119,000,000 in 1983.

Japan is a constitutional monarchy with a parliamentary form of government in accordance with the Constitution of 1947. Executive power is vested in a Cabinet headed by a Prime Minister and collectively responsible to the National Diet, the bicameral legislature which is the highest organ of state and power. The Diet is comprised of the House of Representatives, the lower house consisting of 491 members elected by popular vote for a four-year term and a House of Councillors, the upper house, consisting of 252 members also elected by popular vote but for a period of six years. Decisions of the House of Councillors can be vetoed by the House of Representatives, which retains control over legislation dealing with treaties and fiscal matters.

The Prime Minister is chosen from the majority party in the Diet and is nominally appointed by the Emperor, who is just a symbol of state and performs only ceremonial functions. Japan has a multi-party system but has been under the dominance of the Liberal Democratic Party continuously since 1955.

The country is divided into 47 prefectures which contain municipalities. Each municipality has a legislature composed of popularly

elected representatives. The municipalities have fairly broad powers: they control public education and may levy taxes.

Justice is administered by a unified national system of courts. The 1947 Constitution provides for all judicial power to be vested in the Supreme Court and a number of lower courts, all of which are parts of a single system under the sole and complete administration of the Supreme Court. The Diet, which is the sole law-making organ of the state, can change the organization of the courts by passing the necessary legislation, but the administration of the court system remains constitutionally vested in the Supreme Court.

The Supreme Court is organized into a Grand Bench consisting of all 15 judges and three Petty Benches of five judges each. Cases are initially referred to the Petty Bench which must decide which bench should hear the case. Constitutional cases for which there are no precedents, cases deemed by the Petty Bench to be of outstanding importance, cases involving tie votes in the Petty Bench, or the overruling of a Grand Bench precedent on a non-constitutional matter, must be heard by the Grand Bench. When the full Court considers administrative matters of the judiciary, it sits as the Judicial Assembly. All cases heard by the Supreme Court are appeals. The Court has no original jurisdiction.

Of the lower courts, the highest level of courts are the High Courts. These are essentially appellate courts for civil and criminal cases, but may hear cases in the first instance in matters involving crimes of insurgency, preparation for or plotting insurrection and election disputes. They may be granted jurisdiction over other types of cases by special provisions in duly enacted laws. They are collegiate courts.

District Courts comprise the next lowest level in the court structure and carry original jurisdiction over most types of civil and criminal offences. They are courts of appeal for actions taken by Summary Courts -- the lowest level in the court structure. On the same level as the District Courts are the Family Courts which came into existence under the Allied Occupation, 1945-1952. These courts have jurisdiction over such matters as juvenile crime (the age of majority is 20 years), problems of minors, divorce and disputes over family property.

On the lowest level are the Summary Courts. They perform the functions of small courts and justices of the peace in the United States. They have original jurisdiction over minor cases involving less than 300,000 yen in claims or fines. With certain exceptions, these courts cannot impose imprisonment or graver sentences. If the court believes that an offence should be punished by a sentence heavier than it is empowered to impose, it must transfer the case to a District Court.

There is no jury system in Japan. Judges are under permanent appointment and can only be removed by public impeachment by the Diet. No disciplinary action can be taken against any judge by an executive agency. Age of compulsory retirement is 70 for Supreme Court judges and 65 for others.

This judiciary system, organized according to Anglo-American legal principles, came into being under the post-war occupation authorities. Prior to that, the country had a German model.

10.2 The Existing Law on Prostitution

Article 3 of the Anti-Prostitution Law states explicitly:

Any person who makes a person commit prostitution by threatening or using violence shall be punished by imprisonment at forced labour for not more than three years or by both imprisonment at forced labour for not more than three years and a fine not exceeding 100,000 yen.

The attempt of crimes referred to in the preceding two paragraphs shall be punished.

Article 8 reads:

Any person who, having committed any of the offences under paragraph 1 and 2 of the preceeding Article receives the whole or part of the hire for prostitution, or demands it, or makes a contract to receive it shall be punished by imprisonment at forced labour for not more than five years and a fine not exceeding 200,000 yen.

A person who, by taking advantage of a relational influence, demands the person who has committed prostitution to offer him the whole or part of the hire for prostitution, shall be punished by imprisonment at forced labour for not more than three years or a fine not exceeding 100,000 yen.

Article 9:

Any person who accords money, goods or any other financial benefit to a person by means of advance or other means with intent to make such a person commit prostitution (with any other person than himself) shall be punished by imprisonment at forced labour for not more than three years or a fine not exceeding 100,000 yen.

Article 10:

Any person who concludes a contract for making a person commit prostitution (with any person other than himself) shall be punished by imprisonment at forced labour for not more than three years or a fine not exceeding 100,000 yen.

The attempt of the crime referred to in the preceding paragraph shall be punished.

Article 11:

Any person who knowingly furnished a person with a place for prostitution shall be punished by imprisonment at forced labour for not more than three years or a fine not exceeding 100,000 yen.

A person who engages in the business of furnishing a person with a place for prostitution shall be punished by imprisonment at forced labour for not more than seven years or a fine not exceeding 300,000 yen.

No person shall commit prostitution or be the client of a prostitute.

Prostitution as used in the law is defined to mean

sexual intercourse with an indiscriminate party for hire or for the promise of hire (Article 2).

In addition to outlawing prostitution, the law also makes a number of provisions to control prostitution indirectly. Article 5 reads:

Any person who performs an act coming under the following items with intent to commit prostitution shall be punished by imprisonment at forced labour for not more than six months or a fine not exceeding 10,000 yen:

- (1) Publicly soliciting a person to become a client;

(2) Blocking the way of or hanging around a person in the street or any other public place with intent to solicit the person to become a client;

(3) Publicly waiting for a prospective client or inducing a person to become a client by means of advertisement or the like.

Article 6 reads:

Any person who procures a prostitute for some other person shall be punished by imprisonment at forced labour for not more than two years or a fine not exceeding 50,000 yen.

The punishment prescribed in the preceding paragraph shall also be applied to a person who performs an act falling under any of the following items with intent to procure a prostitute for some other person:

(1) Soliciting a person to become the client of a prostitute;

(2) Blocking the way of or hanging around a person in the street or any other public place with intent to solicit the person to become the client of a prostitute;

(3) Inducing a person to become a client of a prostitute by means of advertisement or the like.

Article 7 reads:

Any person who makes a person commit prostitution by deceiving or embarrassing or by taking advantage of a relational influence upon the person shall be punished by imprisonment at forced labour for not more than three years or a fine not exceeding 100,000 yen.

Article 12:

Any person who makes it his business to let one live at the place possessed or controlled by himself or at the place designated by himself and to make one commit prostitution shall be punished by imprisonment at

forced labour for not more than 10 years or a fine not exceeding 300,000 yen.

Article 13:

Any person who knowingly furnished a person with funds, land or building necessary for the business mentioned in Article 11, paragraph 2, shall be punished by imprisonment for not more than five years and a fine not exceeding 200,00 yen.

Any person who knowingly furnished a person with funds, land or building necessary for the business mentioned in the preceding Article shall be punished by imprisonment at forced labour for not more than seven years and a fine not exceeding 300,000 yen.

To prevent prostitution being used as an adjunct for business negotiations, there is Article 14 which reads:

When the representative of a corporation, or the agent, employee or other worker of a corporation or an individual commits any of the offences under Article 9 to 13 in respect to the business of the corporation or the individual, not only shall the offender but also the corporation or the individual shall be punished by the fine prescribed in the pertinent Article.

The remainder of the Act contains provisions for the substitution of the punishments prescribed with parole or guidance measures when a woman is convicted.

10.3 The Problem of Prostitution

In spite of the fact that both prostitution and the patronage has been outlawed in Japan, prostitution exists in the country and its extent as well as the possibility that it might be becoming an organized business has led to the study of the subject "aimed to clarify the actual circumstances of recent

crimes of prostitution in order to examine the future movement and the proper control of these kinds of crime". The data for this study was collected by means of a questionnaire seeking information about those charged with prostitution or prostitution related crimes during the period July 1st, 1974 through July 30th, 1975. The report of the study contains a wealth of information.

The number of persons charged under the different articles of the Anti-Prostitution Law during this period are shown in Table 10.1. The figures indicate that the commonest violations are of Article 11.1 -- furnishing a person with a place of prostitution, Article 5.1 -- inducing prostitution, Article 5.3 -- waiting for a prospective client or inducing a person to become one, and Article 6.2 -- procuring. Oddly enough, there appears to be no one charged under Article 3 -- actually engaging in prostitution or being a client of a prostitute.

Prostitution operates in Japan under a number of legitimate guises. The data collected in this study revealed that the commonest guise under which it exists is what could be called Turkish bath prostitution which accounts for 18.8% of the cases. In this form of prostitution, managers of Turkish baths had prostitutes available in their institutions. The second commonest form, accounting for 13.8% of the cases, was Geisha Girl prostitution where the prostitute masqueraded as a professional entertainer. Then, there were the Hotel-Maid prostitution (9.3%) and the Massage Girl prostitution (8.4%) -- both in massage parlours and in a home service. Prostitution mediated through restaurants, bars and cabarets accounted for 7.2% of the cases.

Relevant to the question of organization are the two questions of who negotiates the transaction and who gets the fees. As far as the first

Table 10.1 Persons charged under the Anti Prostitution Law in Japan July 1st 1974 through June 30th 1975

Article	5.1	768
	5.2	3
	5.3	605
	6.1	520
	6.2/1	306
	6.2/2	2
	6.2/3	0
	7.1	7
	7.2	5
	8.1	4
	8.2	0
	9	4
	10	303
	11.1	281
	11.2	994
	12	181
	13.1	1
	13.2	7
	Total	3991

Source: K. Watanabee: The Survey of Crimes of Prostitution. 1976.

question is concerned, the data reveals that 32.3% of the cases resulted from the customer requesting the service from the girl. The suggestion for the act came from the prostitute herself in 17.9% of the cases, from the management

of the institution in 10.3% of the cases, and from others such as taxi drivers and employees especially entrusted with the task in 18.3%.

As far as the second question is concerned, the data suggested that about half of the number of prostitutes shared the fees on a percentage basis. This figure, however, might be inaccurate because the large proportion of prostitutes, where it was claimed "only the prostitute gets the money", do have to share their fees. In the case of Turkish baths, for example, the management does not take part in the transaction at all. This is all done between the customer and the prostitute who works at the Turkish bath. But the prostitute does have to hand over a part of her takings to the management.

Article 12 is considered the provision to deal with organized prostitution. The total number of prosecutions under this article for the period 1966 through 1975 is shown in Table 10.2. The figures indicate a gradual decline in this type of prostitution. To what extent these figures are correct, one does not really know. There is an indication that the police are not too enthusiastic in dealing with cases of prostitution. The survey data showed that policemen were involved as partners in 84.2% of the cases of soliciting and in 42.1% of the cases in procuring.

10.4 The Existing Law on Pornography

Pornography is dealt with under the Penal Code. Article 175 of the Penal Code states:

A person who distributes or sells an obscene writing, picture or other object or who publicly displays the same, shall be punished with imprisonment at forced labour for not more than two years or a fine of not more than 5000 yen or a minor fine. The same applies

Table 10.2 Extent of Organized Prostitution in Japan from 1966-1975.

1966	890
1967	844
1968	852
1969	542
1970	335
1971	249
1972	197
1973	170
1974	195
1975	177

Figures are charges for violation of Article 12 of the Anti Prostitution Law.

Source: K. Watanabe: The Survey of Crimes of Prostitution. 1976.

to a person who possesses the same for the purpose of sale.

10.5 Explantory Note

The information that we obtained was extremely limited. Our contact had retired from his position and was not able to supply us with the information that we wanted. However, we were able to contact others who were able to supply us with only some information because of the time limits we placed on them.

10.6 References

Keiich Watanabe: The Survey of the Crime of Prostitution. (Tokyo: Criminal Affairs Bureau, Ministry of Justice, 1976) (Japanese Script).

10.7 Acknowledgements

The material on which this chapter is based was supplied by Mr. Keiji Kurita of the Research and Training Institute of the Ministry of Justice of Japay in Tokyo. Mrs. Tanako Hirama assisted in the translation of the Japanese material sent us. The data for the introductory remarks were collected by Miss Tamara Perera.

XI. SINGAPORE

11.1 Introductory Remarks

The Republic of Singapore is an independent island state in south east Asia. Located off the southern tip of the Malay Peninsula it covers a total area of 226 square miles and had a population of 2,472,000, 75% of whom were of Chinese origin, in 1962.

Singapore is a parliamentary democracy based on the Westminster model. The government consists of a President, a titular Head of State with nominal powers, a unicameral legislature -- the Parliament -- and a Cabinet headed by the Prime Minister who serves as the Head of Government. The Parliament consists of 69 members popularly elected by universal adult suffrage for a five-year term. The leader of the majority party is appointed Prime Minister. Since 1959, when self-government was achieved, Singapore has been virtually operating under a one-party system. The People's Action Party, a moderate democratic socialist group has held the majority in Parliament and the group's leader has held the post of Prime Minister since that time. Political opposition is divided and weak and every effort is made to keep it like that.

The judiciary in Singapore bears a strong imprint of British influence. In administering justice, the courts generally follow the common law traditions of England, introduced to Singapore in 1826 and modified to fit the local conditions. British models also inspired the major judicial reorganizations of the court structure and procedure.

The court system is headed by the Supreme Court which is divided into three chambers -- the High Court, the Court of Appeal and the Court of Criminal Appeal. The High Court chamber exercises three basic functions --

unlimited original jurisdiction in civil and criminal matters, appellate jurisdiction over decisions of the lower courts in civil and criminal cases, and supervisory and revisionary jurisdiction over lower courts. Decisions of the High Court, original or appellate, may be appealed to the Court of Criminal Appeal or in civil matters to the Court of Appeal. Appeals from these decisions may be made to the Judicial Committee of the Privy Council sitting in London.

The lower courts are the District Courts and the Magistrate's Courts which have limited civil and criminal jurisdiction. District Courts may try criminal offences punishable by imprisonment of up to 10 years and civil litigation involving amounts up to S\$5000. Magistrate's Courts have jurisdiction over lesser offences for which the maximum term of imprisonment does not exceed seven years and civil litigation involving less than S\$1000.

In all legal proceedings, the Attorney General's Chamber acts as the prosecuting authority; its independence is constitutionally guaranteed. In addition, the Attorney General is the chief advisor to the government on legal matters referred to his office by the President or the Cabinet. He is also responsible for drafting parliamentary bills and subsidiary legislation sanctioned by Parliament. The Attorney General is assisted by the Solicitor General.

Aside from the regular courts, there exist two separate and special courts. All matters affecting Muslims -- their marriages, their divorces, alimony and the like -- are decided by the Shariah Court which applies the Administration of Muslim Law Act of 1966. Administratively this court is under the Ministry of Social Affairs. The second special court is the Industrial Arbitration Court which plays a decisive role in the maintenance of industrial peace and stability. Established under the Industrial Relations Act of 1960, it is administratively controlled by the Ministry of Labour. It has the status of a

High Court and is empowered to settle disputes between employers and unionized employees by conciliation and arbitration. The decision of the Court is final. Under the Employment Act of 1968, labour disputes between management and non-unionized labour are referred to the Labour Court also under the administration of the Ministry of Labour.

A notable departure from the British legal tradition occurred in 1959 when trial by jury was abolished except for capital offences. In 1969, even this exception was done away with.

The legal system, based on English common law, has evolved in Singapore into a system that stresses tough enforcement and heavy penalties. The government maintains relentless pressure on criminals, periodically strengthening its penal and criminal procedure codes. The Criminal Law Ordinance of 1958 permits the detention without trial for periods of 12 months of suspected gangsters. The period of detention can be extended at the discretion of the Minister of Home Affairs. The Internal Security Act of 1960 gives similar powers of detention in security cases. The Penal Code was amended in 1973 to make whipping mandatory for theft and robbery and the death penalty added for trafficking in firearms and for kidnapping. The Misuse of Drugs Act of 1973 set penalties of up to 30 years imprisonment, a fine of S\$5000 and 15 lashes for trafficking in drugs. More recently, death has been made the punishment for this offence.

11.2 The Extant Law on Prostitution

The law governing prostitution is embodied in the Women's Charter -- Chapter 47 of the Legislative Enactments of Singapore. Section 128 reads:

Any person who

(a) sells, lets for hire or otherwise disposes of or buys or hires or otherwise obtains possession of any woman or girl with intent that such woman or girl shall be employed or used for the purpose of prostitution either within or without Singapore, or knowing or having reason to believe that such woman or girl will be so employed or used;

procures any woman or girl to have either within or without Singapore carnal connection except by way of marriage with any male person for the purpose of prostitution either within or without Singapore;

by threats or intimidation procures any woman or girl to have carnal connection except by way of marriage. . . .

. . .

brings into Singapore, receives or harbours any woman or girl knowing or having reason to believe that such woman or girl has been procured for the purpose of having carnal connection except by way of marriage;

. . .

knowing or having reason to believe that any woman or girl has been procured by threats or intimidation for the purpose of having carnal connection . . . receives or harbours such woman or girl with intent to aid such purpose;

knowing or having reason to believe that any woman or girl has been brought into Singapore in breach of section 130 or has been sold or purchased in breach of paragraph (a), receives or harbours such woman or girl with intent that she may be used for the purpose of prostitution, detains any woman or girl against her will in a brothel;

detains any woman or girl against her will with intent that she may be employed or used for the purpose of prostitution or for any unlawful or immoral purpose, has carnal connection with any girl under the age of 16 years except by way of marriage; or

attempts to do any act in contravention of this section

shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding five years and shall also be liable to a fine not exceeding 10,000 dollars.

Any person who is convicted of a second or subsequent offence under paragraphs (a), (b), (c), (e), (f), or (g) of subsection (1) shall in addition to any term of imprisonment awarded in respect of such offence be liable to caning.

For the purposes of this section, it shall be presumed until the contrary is proved that

a person who takes or causes to be taken into a brothel any woman or girl has disposed of such woman or girl with the intent or knowledge mentioned in paragraph (a) of subsection (1);

a person who received any woman or girl into a brothel has obtained possession of such woman or girl with the intent or knowledge mentioned in paragraph (a) of subsection (1);

a person has detained a woman or girl in any brothel or in any place against her will if, with intent to compel or induce her to remain therein, such person

withhold from such woman or girl any wearing apparel or any other property belonging to her or any wearing apparel commonly or last used by her;

where wearing apparel or any other property has been lent or hired out or supplied to such woman or girl, threatens such woman or girl with legal proceedings if she takes away such wearing apparel or property;

threatens such woman or girl with legal proceedings for the recovery of any debt or alleged debt or uses any other threat whatsoever.

Reasonable cause to believe that a girl was of or above the age of 16 years shall not be a defence to a charge of an offence under paragraph (f) of subsection (1).

Provided that in the case of a man of 24 years of age or under, the presence of reasonable cause to believe that the girl was over the age of 16 years shall be a valid defence on the first occasion on which he is charged with such an offence.

Section 129 deals with trafficking in girls and women and proclaims that:

Any person who buys, sells, procures, traffics in or brings into or takes out of Singapore for the purpose of such traffic, and whether or not for the purpose of present or subsequent prostitution, any woman or girl, shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding five years and shall also be liable to a fine not exceeding 10,000 dollars.

Subsection (2) stipulates:

No person shall be charged with an offence under this section if he satisfies the Director that the woman or girl . . . was so brought or taken out of Singapore for the purpose of her marriage or adoption. . . .

Section 120 deals with the importation of girls or women into or out of Singapore under false pretence and with the intention of using such woman or girl for the purposes of prostitution; section 130A with owners, occupiers or managers of any premises permitting sexual intercourse with a girl under the age of 16 years; section 130B permitting mentally defective girls to use the premises for sexual intercourse, section 130C with the use of premises for prostitution of or indecent assault on a girl under 16 years. All these are made offences punishable with varying terms of imprisonment and varying fines.

Living on the avails of a prostitute is prohibited by section 131.

Section 132 makes

Any person who keeps, manages or assists in the
management of a place of assignation
or
a place of public resort which is used as a place of
assignation
guilty of an offence. . . .

Section 133 outlaws the management of a brothel making the manager or any
person who assists in the management, any tenant, lessee, occupier, owner or
agent of such owner, all equally guilty of the offence unless it can be proved
that "he had no knowledge that the place . . . is used as a brothel".

Also interesting to note is the provision:

In any proceedings under this Part, any evidence given
by any police officer not below the rank of sergeant
that any place has been used as a brothel or a place of
assignation, shall, until the contrary is proved, be
deemed to be sufficient evidence of the fact.

Section 139 states "all offences under this Part shall be cognizable by a District
Court", which makes them felonies in American parlance. As a safeguard,
however, is added the provision

Provided that no prosecution shall be instituted in
respect of any such offence without the previous
sanction of the Director or the Public Prosecutor.

(The Director referred to is the Director of the Social Welfare Department
under whose authority the Act operates.)

11.3 The Problem of Prostitution

Every effort has been made in Singapore to see the place morally clean and to this end even the sojourn of American soldiers on rest and recreation leave during the Korean War was not allowed. However, since then the tourist industry has been developing and prostitution has made itself noticeable. Information received from the police states: "However, to prevent widespread and open soliciting, some measures of control is being enforced. Therefore, their activities are confined to certain designated areas only." This statement suggests that prostitution is permitted either legislatively or administratively by the manner in which the police enforce or are required to enforce the law.

Information from the police also indicates that the provisions of the Women's Charter are actively enforced particularly as far as the parts pertaining to the protection of women and young persons to prevent them from being forced into prostitution. This statement also suggests that if the prostitution is with the consent of two adults, it is not prohibited. The public sensitivity does not appear to be disturbed if the prostitution is limited to designated areas and there is no blatant soliciting in public places.

The existing laws are claimed to be adequate for the purposes of controlling the phenomenon. However, the provision that prosecution can only be instituted with the sanction of the Attorney General or Solicitor General, appears to cause some problems as it takes a few days to obtain the sanction. The police must provide accommodation for the suspect, especially if she happens to be a foreigner. But this is looked upon as a handicap rather than a serious impediment.

11.4 The Extent of the Problem

It has not been possible to obtain any information on the number of prostitutes, the number of cases taken to court for violation of the prostitution laws or on the incidence of venereal disease.

Information obtained from individuals who have been to Singapore seems to suggest that around the year 1970, Singapore vociferously denied the existence of any prostitution. By 1975 their denial was not that vociferous, but they did display a reluctance to acknowledge its existence. By about 1980, Singapore was acknowledging the existence but were claiming that it was a phenomenon so negligible that it did not assume the proportions of a problem to which any attention should be paid. The incidence appears now to be acknowledged as much greater but the actual extent of it is still unknown. The police also do not appear to consider it too great a problem as yet.

11.5 The Law on Pornography

The law on pornography is contained in the Films Act of 1981. This Act makes provision for the appointment of a Board of Film Censors whose chief function would be to review the films and approve them for exhibition. Section 6 of the Act states:

No persons

shall carry on any business, whether or not the business is carried on for profit, of importing, making, distributing or exhibiting films unless he is in possession of a valid licence; or

being the owner or occupier of any place shall allow the place to be used by, or let the place or otherwise make the place available to any person who is not the holder of a valid licence for the purpose of carrying on the

business of importing, making, distributing or exhibiting films.

Section 12 states:

The owner of any film made in Singapore shall within seven days after the making of the film deposit the film in a warehouse approved for this purpose by the Board.

Any person who fails to deposit the film in accordance with subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding 5000 dollars.

Section 13 states:

No film shall, on importation by sea, be removed from the vessel wherein the same was imported or from any Port of Singapore Authority godown or if imported by land or air from any post office, railway station or other place of arrival without a permit from the Board.

Section 14 of the Act deals with the censorship. It reads:

Every film in the possession of any person shall be submitted to the Board without any alteration or excision for the purpose of censorship at the owner's risk and expense and at such time and place as the Board may appoint.

During the course of censorship, the Board may in its discretion exclude any person from the place where the film is being exhibited.

The owner may at any time, with the approval in writing of the Board, which shall not be unreasonably withheld, remove any film (other than a videotape or video disc) from any approved warehouse for the purpose of making excisions to it or of reconstructing it or of obtaining the approval of the Board for its exhibition or of exhibiting exclusively to buyers or exhibitors or their agents.

Any film removed from an approved warehouse under subsection (3) shall be returned to that warehouse within

48 hours of the time of its removal therefrom and any excised parts, if excision has been made, shall within 48 hours be delivered to the Board.

Section 15 reads:

After the submission of the film for the purpose of censorship, the Board may

approve the film for exhibition without alteration or excision;

prohibit the exhibition of the film; or

approve the film for exhibition with such alterations or excisions as it may require.

The Board has to deliver its reasons for prohibition of exhibition or requirement of excision.

The exhibition or distribution of an uncensored film is an offence.

In this connection, Section 21 reads:

Any person who

has in his possession; or

or exhibits or distributes,

any film without a valid certificate approving the exhibition of the film shall be guilty of an offence and shall be liable on conviction

in respect of an offence under paragraph (a) to a fine of not less than 100 dollars for each such film that he had in his possession (but not to exceed in the aggregate 20,000 dollars);

in respect of an offence under paragraph (b) to a fine of not less than 100 dollars for each such film that he had exhibited or distributed (but not to exceed in the aggregate 20,000) or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

In addition to making it an offence to exhibit or distribute any uncensored film, the Act also makes it an offence to exhibit or distribute any lewd film. Section 29 reads:

Any person who

has in his possession; or

exhibits or distributes

any obscene or lewd films shall be guilty of an offence and shall be liable on conviction. . . .

Exempted from the provisions of this Act are

any film sponsored by the Government;

any film, not being obscene or lewd or any feature, commercial, documentary or overseas television serial film, which is made by an individual and is not intended for distribution or public exhibition; and

any film reproduced from local television programmes and is not intended for distribution or public exhibition.

This section also makes it possible for the Minister to grant other exemptions and to withdraw those exemptions at will.

11.6 The Problem of Pornography

The police feel that the Film Act provides them with adequate power to take firm action against persons promoting and peddling pornography. However, they appear to be having a problem on their hands as a result of the recent advent of video cassette players which has helped the promotion of the circulation and distribution of uncensored films depicting anything from downright brutality to blatant pornography.

11.7 The Extent of Pornography

No data is available.

11.8 References

11.9 Explanatory Note

The information that was obtained was extremely limited. Our contact had retired from his position and was not able to supply us with the information that we wanted. However, we were able to contact others, through his good offices, and request them to supply us with the information. Time constraints prevented them from doing as good a job as they would have liked to do.

11.10 Acknowledgements

This chapter is based on information supplied by Hj Mohd Hussin Bin Salleh of the Criminal Investigation Department of Singapore. The data for the introductory remarks was collected by Miss Tamara Perera.

XII. ARAB COUNTRIES

12.1 Introductory Remarks

The Arab Organization for Social Defence has conducted a study and produced a document entitled The Phenomenon of Prostitution in the Arab Countries: A Field and Legal Research. Produced in 1982, this report deals with the problems of prostitution and pornography in 15 Arab countries. These countries are: Morocco, Algeria, Tunisia, Libya, Sudan, Somalia, Jordan, Lebanon, Syria, Iraq, Kuwait, Qatar, Bahrain, United Arab Emirates and Oman. Nine of these countries are in western Asia. These are Jordan, Iraq, Bahrain, Lebanon, Kuwait, the United Arab Emirates, Syria, Qatar and Oman.

Though their historical origins go back many centuries, these countries have assumed an importance only after the Second World War when the importance of their oil deposits was recognized and when a surging Arab nationalism was forcing them to restructure themselves giving them at one and the same time a modern look and an Arab flavour. Prior to this period, Western influence in the area was not only great but the government, even though conducted by natives Kings, Shieks and Sultans, was under the strict supervision of the European colonizers, mainly Britain and France.

In the form that they exist today, most of these countries are dictatorships, where the Head of State, by whatever style and title he may be known, is Head of Government with absolute powers. He is in this position for his lifetime. Change in government, consequently, has to be by revolution or coup d'état, which does not infrequently occur.

The judicial system and the law officially in operation is what these countries have inherited from the French or the English with, of course, the Arab element slowly injecting itself.

Their economy, the Western interest in their oil, and their desire to surge into the twenty-first century has brought a multitude of foreigners -- some Arabs and some non-Arabs -- into these countries; so much so that at least their major cities are truly cosmopolitan.

The manner in which they deal with the phenomenon of prostitution and pornography is not only interesting but also instructive because they endeavour to reconcile the Islamic tradition of strict prohibition of any form of sexual deviance and the present day need for sexual stimulation and sexual gratification, especially of a large transient male population. The distinction between prostitution and pornography is not made clear as pornography is, in some places and at some times identified as cultural prostitution, suggesting that the two constitute parts of a common phenomenon.

Islamic law prohibits adultery. The rationale for this is that it has several evil consequences, the chief among them being the disintegration of the family with men wondering whether they are the natural fathers of their offspring. The transmission of disease to innocent people is also cited as one reason for the strictness. It is considered a sufficiently heinous crime that flogging and stoning to death are the prescribed punishments for it. The punishment inflicted, however, varies with the marital status of the offender. It is more severe for a married person, who is stoned to death, than for an unmarried person, who is flogged. For divorced women, the punishment for adultery is even less severe -- they are only subjected to house confinement.

Prostitution, it is claimed, is foreign to Arab culture. Yet, it is present in many Arab countries. Its presence is attributed to Western influence.

12.2 The Law Regarding Prostitution

Officially, the law against prostitution is the same as one would encounter in any occidental country, except perhaps that in some countries such as Syria these provisions are contained in a special code -- the Code for Combatting Prostitution. As in most occidental countries, prostitution per se is not identified as a crime. Neither are there any laws making the patronage of a prostitute an offence. However, it must be remembered that both the prostitute and her client can be dealt with under the laws of adultery and, consequently, no need for special laws exists.

Nevertheless, in the Arab countries, attempts have been made to control prostitution by outlawing its promotion and its facilitation, by outlawing procuring and soliciting and by outlawing the renting of rooms and houses for the purpose of prostitution. Also outlawed is living off the earnings of a prostitute. All the Arab countries do not outlaw all these forms of behaviour. The behaviours outlawed in the different countries is shown in Table 12.1.

The punishments imposed for the offences also vary both from offence to offence and from country to country. Attempts are now made in most countries to rehabilitate the offenders. The dispositions that can be made in cases of prostitution in the different countries is shown in Table 12.2. Imprisonment is a disposition used in all the countries. Interesting, however, is the disposition -- placement in a legalized brothel -- available in Libya and Kuwait.

Table 12.1 Prostitution Related Behaviour that is Outlawed in Arab Countries

Country	Soliciting.	Helping others to force Prostitution	Forcing prostitution	Keeping for Prostitution	Intoxicating for Prostitution	Living off the Avails of Prostitutes	Using and Delivering	Procuring from outside
Morocco								
Algeria								
Tunisia	x							
Libya			x			x		
Sudan								x
Somalia		x	x					
Jordan				x	x	x	x	x
Lebanon				x	x	x	x	
Syria								
Iraq		x	x				x	
Kuwait								
Qatar								
Bahrain				x		x	x	x
United Arab Emirates								
Oman								

Source: Arab Organization for Social Defence: The Phenomenon of Prostitution in the Arab Countries: A Field and Legal Research.

Table 12.2 Dispositions Available for Cases of Prostitution in Arab Countries

Country	Imprisonment	Suspended Sentence	Referral to Family Court	Rehabilitation Centre	Referral to Social Welfare Agency	Placement in Legalised Brothel	Placement in a Trade.
Morocco	x						
Algeria	x						x
Tunisia	x						
Libya	x					x	
Sudan	x						
Somalia	x						
Jordan	x				x		
Lebanon	x						
Syria	x			x			
Iraq	x			x			x
Kuwait	x					x	
Qatar	x						
Bahrain	x		x				x
United Arab Emirates	x						
Oman	x						

Source: Arab Organization for Social Defence: The Phenomenon of Prostitution in the Arab Countries: A Field and Legal Research.

12.3 The Nature of the Problem

Prostitution exists in many forms in the Arab countries. One form that it exists in is legalized prostitution which permits the Moumis (the old word for prostitute but now used to define a professional prostitute) to carry on her trade. She is registered or known as a prostitute and she is allowed to operate in a controlled brothel. She is subjected to regular health examinations. Most of these prostitutes come from other countries in a number of guises. Their admission into the country, their stay in the country and the locale in which they are permitted to operate are strictly controlled.

Second, there is the semi-professional or disguised prostitution where the prostitutes work as dancers, bartenders, waitresses and the like in places of entertainment and are able to contact their clients there. These prostitutes are also usually foreigners who make their way into the country as artists, so much so the term artist has become a synonym of the term prostitute. The entrance of these persons into the country, their stay and the locale where they work are also strictly controlled.

Third, there are the street walkers. This type of prostitution is frowned upon by the public and is not common.

It should be realized that all these forms of prostitution are not found in all the Arab countries. Some forms are found in some countries and other forms in other countries. In some countries, there is apparently little or no prostitution.

12.4 The Extent of the Problem

Accurate statistics on prostitution and prostitution related crimes are not available. Table 12.3 shows the rate of prostitution and prostitution

Table 12.3 Rates per 1000 Population of Prostitution and Prostitution Related Crimes in Arab Countries

<u>Country</u>	<u>Number</u>	<u>Rate</u>
Morocco	529	0.0290
Algeria	134	0.0007
Tunisia	n.a	n.a
Libya	137	0.0514
Sudan	980	0.0535
Somalia	152	0.0466
Jordan	0	0.0
Lebanon	56	0.0186
Syria	196	0.0223
Iraq	227	0.0168
Kuwait	76	0.0593
Qatar	0	0.0
Bahrain	57	0.1830
United Arab Emirates	0	0.0
Oman	0	0.0

Source: Arab Organization for Social Defence: The Phenomenon of Prostitution in Arab Countries: A Field and Legal Research.

related crimes per 1000 population in the different Arab countries. The trends of these crimes are shown in Table 12.4. The trends refer to the official statistics, and could, as in other countries, reflect not the actual incidence of the phenomenon but the intensity of police activity.

12.5 References

Arab Organization for Social Defence: The Phenomenon of Prostitution in the Arab Countries: A Field and Legal Research. 1982

12.6 Acknowledgements

This chapter is based on the information found in the Arab Organization for Social Defence: The Phenomenon of Prostitution in Arab Countries: A Field and Legal Research, which was so kindly sent me by Dr. Mohamed Cheddadi of the Arab Organization for Social Defence against Crime in Rabat Morocco. Dr. Alex Abdennur assisted me in deciphering the contents of the document which was in Arabic.

Table 12.4 Trends 1975 - 1979 of Prostitution and Prostitution Related Crimes in Arab Countries

<u>Country</u>	<u>Facilitating Prostitution</u>	<u>Procuring</u>	<u>Total</u>
Morocco	Decreasing	Increasing	Decreasing
Algeria	Decreasing	Decreasing	Decreasing
Tunisia	n.a.	n.a.	n.a.
Libya	Increasing	Decreasing	No Change
Sudan	Increasing	Increasing	Increasing
Somalia	Decreasing	Increasing	Increasing
Jordan	None	None	None
Lebanon	n.a.	n.a.	No Change
Syria	Increasing	Decreasing	No Change
Iraq	None	Increasing	Increasing
Kuwait	Decreasing	Increasing	No Change
Qatar	None	None	None
Bahrain	Increasing	Increasing	Increasing
United Arab Emirates	None	None	None
Oman	None	None	None

Source: Arab Organization for Social Defence: The Phenomenon of Prostitution in Arab Countries: A Field and Legal Research.

XIII. CONCLUSIONS

13.1 Introductory Remarks

This study analyzes the experience of a number of countries with prostitution and pornography. First considered here have been Poland, Yugoslavia and Hungary, three countries in East Europe, all within the Communist sphere. Then considered have been the experiences of Venezuela, Panama, Chile and Argentina, four Latin American countries. Finally considered has been the experience of three Asian countries, Sri Lanka, Japan and Singapore, as well as a number of Arab countries situated in western Asia and northern Africa, all considered together as the Arab Countries rather than individually. These Arab countries are Morocco, Algeria, Tunisia, Libya, Sudan, Somalia, Jordan, Lebanon, Syria, Kuwait, Bahrain, the United Arab Emirates and Oman.

The data for this study was collected by means of a questionnaire sent out to criminologists in a number of countries, many more than the ones considered here. First, their willingness to assist us was ascertained and thereafter only was the questionnaire sent to them. Only with the questionnaire did we inform our respondents of the time limitation that was placed on us and that we were placing on them. In consequence, many who agreed to assist us found it impossible to comply.

The questionnaire was designed to elicit information that would enable us to have an idea of

1. the extant law on prostitution and pornography,
2. the problems of enforcement encountered,
3. the extent of the phenomenon

4. the public attitudes towards them, and
5. the existence of any movements towards criminalization or decriminalization.

Most of the information asked for could have been obtained from books or other public documents. Some bits of information required interviewing government officials. Because of the deadlines that had to be met, we had asked our respondents to return the completed questionnaire to us within four weeks. Some, who had decided to assist us, found it difficult to obtain all the information that we had sought. They also found it difficult to obtain as complete information as we would have liked. Rather than be deprived of the information from them, we requested them to send in whatever material they had collected. We also found that some of our contacts had retired from their positions and were in new positions that did not permit them the time to spend collecting the information that we needed. We were put in contact with others who most likely consented to help us but the information that we obtained from them had to be very limited because the additional correspondence involved reduced the time available for the job. In their keenness to meet the deadlines, we were sent documents in languages other than English. This caused us problems of translation.

13.2 Public Attitude to Prostitution

Prostitution, the indiscriminate engagement in sexual activity with a number of casual partners for the sake of financial gain, has been described as the oldest profession in the world. Yet, in no country has the profession been permitted to be practiced unimpeded. Popular and even governmental interest

has been due to a number of reasons. These have been listed by Decker (1979) as:

1. protection of conventional morality;
2. a humanistic concern for the prostitute;
3. a humanistic concern for the exploited customer;
4. prevention of incidental crime;
5. control of the criminal culture which surrounds and flourishes on prostitution;
6. protection of juveniles who may be attracted to prostitution;
7. abatement of public nuisance;
8. a humanistic concern for the prostitute's family;
9. limited evasion of income tax laws; and
10. prevention of venereal disease.

However, it has been claimed, conventional morality has been considered the main reason for campaigns against prostitution with considerations such as associated crime, venereal disease, white slavery and the like utilized as a camouflage by moralists to entice the more liberal minded people into the reform camp (Decker, 1979). In consequence, it appears that if conventional morality is insufficient to rouse public indignation, there would be no public outcry. However, this does not appear to be the situation.

In none of the countries that have been considered in this study could it be said that conventional morality played a part in the concern over prostitution though occasionally in dealing with prostitution references were made to Christian principles and the Socialist way of life. Public opinion polls on the subject had only been taken in Poland, and in this country there was found to be a definite anti-prostitution sentiment. The reasons for this

sentiment were threefold. First, there was the fear of the disintegration of the family. Second, there was the alleged difficulty encountered in the education of young girls and their preparation for a life as a productive adult. Third, there was the possibility of the spread of venereal disease. These, of course, are the verbalized responses to hypothetical questions and whether they constitute the real reason for the anti-prostitution sentiment is a matter of conjecture especially as the anti-prostitution sentiment has not been sufficient to stimulate any movement against it. In Venezuela, public attitude towards prostitution was canvassed in a larger public opinion survey. In this country, the public did not show much concern.

In most countries, the public appears to be totally unconcerned about prostitution. The public could even be accused of encouraging prostitution because of their reluctance to provide information to the police to proceed against prostitutes. Oddly enough, this has been claimed to be the position in Poland. It has also been claimed to be the position in Chile where the police have bemoaned the absence of public cooperation. It certainly has been the case in Venezuela where the police are unable to launch legal proceedings against prostitution related cases except pimping without a complaint from the victim. In all countries, however, the attention of the police has been drawn to prostitution and prostitution related cases by complaints made by members of the public. In Hungary, where the relevant information is available, these complaints have been made sometimes by the clients of the prostitutes because they have been the victims of crime -- robbed or had their bodily integrity threatened -- and sometimes by the people living in the neighbourhood because of the nuisance that the prostitute's activities caused them.

In some countries such as Yugoslavia, there were special police squads that were responsible for the enforcement of prostitution laws. This was the situation in Yugoslavia until 1966. Since then the enforcement of the prostitution laws has become the business of the regular police and as they have shown no particular enthusiasm to go after prostitutes, they have come across prostitutes only in connection with their investigations of other crimes -- either ones committed by the prostitute and her accomplices or those committed by other criminals operating in the prostitution milieu. In some countries, such as Poland where there do not exist special police squads to handle prostitution, the police do keep a surveillance on prostitutes, mainly because of the criminal activity with which they may be associated. Here the crimes concerned were crimes against property and being a public nuisance. In Hungary, the prostitutes come into contact with police mainly because of work shyness -- the criminal unwillingness to work.

What this study seems to indicate is that a public clamour for the alteration of the prostitution laws or the demand for their better enforcement would come, if it comes at all, when prostitution becomes such a phenomenon that it begins to affect the lives of the ordinary citizens. As long as prostitution remains a private business between the prostitute and her client, out of sight of those who are not her clients, it does not appear likely to rouse much public enthusiasm. The police in many countries appear to be aware of this and to be fashioning their activity using the criterion of public tolerance as a measure of control. In Singapore, for example, the police readily admit that their main activity, apart from protecting women being drawn into prostitution against their will is to contain the activity to certain areas thus preventing widespread and open soliciting as well as public protest.

13.3 Problems Associated with the Enforcement of Prostitution Laws

Official statistics available on prostitution and prostitution related crimes seem to suggest first that these laws are not enforced and that the absence of enforcement is becoming more and more serious. This statement is made because of the discrepancy between the officially recorded number of prostitution cases and the unofficial estimates of its magnitude made in scientific studies that have been conducted. In Sri Lanka, for example, the number of prostitution and prostitution related cases taken to court has shown a marked decrease suggesting a decline in the phenomenon while a study conducted by the University of Sri Jayewardene Pura indicates a phenomenal increase in the number of prostitutes in Colombo alone. Though such comparisons are not possible in other countries studied here, police statistics have been repeatedly claimed to represent only a minor portion of the problem.

The police indifference towards the enforcement of these laws has been attributed to the difficulty that they encounter in obtaining convictions. In many countries, legal technicalities are supposed to have stood in their way. There is, however, evidence to indicate that the courts were eliminating these technicalities. In Sri Lanka, for example, when inventions and innovations were found to be adopted to circumvent the provisions of the Brothel's Ordinance which saw a brothel defined as a place to which men and women resorted for sexual intercourse, by having the activity in a place different from where the financial transaction took place, with a woman supplied from yet another different place, the courts held that the absence of sexual activity or the facilities for sexual activity at the place where the financial transaction took place did not exempt the person who made the financial transaction from being considered the manager of a brothel. In the Province of Buenos Aires, in

Argentina, the law has been made more stringent by including in the definition of a brothel, the house of a woman, practising prostitution by herself without the assistance of a pimp and in her own home. Again, facilitation of prostitution has been considered in Buenos Aires to include the passive attitude of a husband or father towards the prostitution of a woman.

This, however, has not been the situation in all countries. In Argentina, notwithstanding the position in Buenos Aires, a brothel is not considered to include the house of a woman practising prostitution on her own in her own home in Rosario and in Tucuman, the simple omission of a moral duty is not considered sufficient to constitute facilitation. In Chile, where the law prohibits the provision of facilities for prostitution such as bedrooms in places of public entertainment which are in reality brothels, the facilities are provided in a building ostensibly separate from but unobtrusively connected to the place of entertainment. Court decisions have not helped to overcome this subterfuge.

In Singapore, the law stipulates that prosecution in any prostitution or prostitution related case must have the prior approval of the Attorney General or the Solicitor General. The provision has created some problems because it takes two or three days for the approval to be obtained and the police are obliged to find accommodation for the prostitutes, especially if they happen to be foreigners, during that period. This provision, however, is seen by the police as a handicap rather than an impediment.

A second reason for the lack of sufficient police interest is the seeming leniency of the courts. This appears to be especially the case in Poland where even the public appears to want more severe punishment inflicted on prostitutes. In that country, however, the government seems to feel that

rehabilitation rather than punishment should be the approach adopted, and they have set about organizing work programs for convicted prostitutes to achieve this end. In Panama, too, the same orientation exists. In 1966, a decree was issued making provisions to subject prostitutes to rehabilitation. Arab countries also have provisions in their law to deal with prostitutes with dispositions other than imprisonment. Placement in a place where they could get training for an occupation is a possible disposition in Algeria, Iraq and Bahrain. In Jordan, they could be referred to a welfare agency. In Syria and Iraq, they can be referred to a rehabilitation centre while in Bahrain they could also be referred to a Family Court. In Libya and in Kuwait, the alternative to imprisonment is placement in a legal brothel.

A third reason is the priority position that prostitution occupies among the problems with which the police must deal. In many countries, the police seem to think that there are a number of other problems that are much more serious than prostitution and which call for their attention. To this is added the fact that the police sometimes use the prostitutes as informants to solve more serious crimes, permitting the prostitutes to carry on their trade unhampered. In Japan, it is interesting to note that a study of prostitution showed policemen to be "partners" of prostitutes in a large proportion of the cases. Whether the "partnership" was for the purpose of obtaining information or for financial gain is not known, though the suggestion is that the latter rather than the former was the motivation. Perhaps both reasons played an equally significant part.

A possible reason for both the smallness of the number of prostitution and prostitution related offences as well as their decreasing number may be the actual decrease in prostitution as it is conventionally known

and its appearance in an altered form. This is possible, as in some countries where the police maintain a vigilance on prostitution such as Poland, the official incidence has actually increased. In Yugoslavia, the decrease is considered to be real especially as it is associated with a decrease in the incidence of venereal disease. In many of the other countries the incidence of venereal disease has increased. The change in the type and nature of prostitution has been attributed to the liberalization of sex on the one hand and the development of the tourist industry on the other.

There is distinct evidence that the nature of prostitution in most of the countries studied has and is altering. In times past prostitution was indulged in by women from the lower income groups, who walked the streets of big cities in search of their clientele and who perhaps took to prostitution in sheer desperation. The prostitutes were found to be mainly women who moved into the big cities in search of employment and, unable to find such employment, discovered that they could earn a living with their bodies. In recent time, this type of prostitution is claimed to be disappearing. The disappearance has been attributed in the Latin American countries as well as in the East European countries to the liberalization of sex relations which has reduced the demand for prostitution in the native population. In Asian countries like Sri Lanka, the disappearance of this type of prostitute has been attributed to the changing fortunes of the lower economic classes. Improved opportunities for employment of lower class women both in and outside the country have reduced their need to resort to prostitution as a means of livelihood, thus reducing the supply.

Present day prostitution has three noteworthy characteristics. The first of these is that it has become a business, organized and operated as a

business bent on providing what is considered a service in demand and extracting the maximum profit out of it. Being a business, prostitution is becoming dissociated with other crimes and social problems such as alcoholism, child abuse and disease which really made prostitution the undesirable behaviour. In this connection, it is interesting to note that in a study of prostitution in South Africa, prostitutes were found to believe that the "sex act was only a small part of being a whore". There was the male ego to be satisfied by being presentable, by being able to engage in conversation and by themselves being satisfied in the sex act. Of course, there were different types of prostitutes encountered in this South African study and it was the hotel or club prostitute rather than the street walker who thought they were providing a real service to men (Schurink and Levinthal, 1983).

The second characteristic is that the present prostitutes come not from the lower economic classes but from the middle and upper ones. These people take to prostitution not as a means of livelihood but as a means of making extra money. They are usually not full time prostitutes. They are part time ones. They hold some other form of normal and natural employment. They are educated, intelligent, respectable, decently clad, able to converse and demand good payment for the service they render.

The third characteristic is that prostitution is becoming more widespread geographically. Earlier when street walking was a common type of prostitution, it tended to be concentrated in the big cities. This had naturally to be the case because the prostitutes were usually women who had come to the big cities in search of employment and ended up as prostitutes as a last resort. Now, of course, when prostitution is becoming organized as a profitable service, it must be available in those parts of the country where there exists a demand.

In Yugoslavia, these areas are the tourist resorts on the Adriatic Sea and the ski resorts on the Alps. In other countries too, prostitution is concentrated in the tourist resorts.

Associated with this development is the international movement of prostitutes. When prostitution gets organized as a business, it is natural that scouting for talent becomes a part of the business operation. Whether this be so or not, the information that we have obtained tends to suggest that the prostitutes in these organized organizations tend to be foreigners. Unfortunately, a number of these foreign girls have been attracted to prostitution unwittingly, taken to a foreign country on the promise of a conventional job and then given the choice of a slow death by starvation or prostitution. In the Arab countries, the international movement appears to occur because of government policy which seeks to restrict the stay of artists, the occupation commonly given by prostitutes, to a very limited period in the country.

The development of this type of prostitution has been attributed to the development of the tourist industry. However, it is not only tourists that demand sexual relations. Business men coming over to transact business deals appear to make the same demands. Consequently, sex has become part of the entertainment offered to foreign businessmen. They must be provided with something more than a common prostitute. In Japan, this fact has been recognized and attempts to stem it have been made with the passage of a law specifically dealing with this type of prostitution and making not only the individual who supplied the prostitute but also the corporation criminally liable for the violation of the law.

It must not, of course, be imagined that the one form of prostitution has completely replaced the other. This is not the situation. In addition to the organized prostitution, there are also the street walkers, as well as the more sophisticated hotel or club prostitutes and the call girl. They all form a part of the modern day picture of prostitution. Forming a part of this picture is the development of male prostitution, not as gigolos catering to the needs of sex starved women but as young boys catering to the needs of homosexual tourists who seem to be coming in their hordes to countries such as Panama and Sri Lanka.

13.4 The Control of Prostitution

A government has a number of ways in which to control a phenomenon. The first and the commonest method is to outlaw the behaviour, threatening violation with punishment. Here it is believed that the more severe the threatened punishment, the stronger is the government's resolve to control the phenomenon, because supposedly the likelihood that that behaviour would be avoided is directly related to the severity of the threatened punishment. It is also believed that the greater is the abhorrence of the behaviour, the more severe would be the threatened punishment because the greater would be the desire to see that behaviour eradicated. As far as prostitution is concerned, this simple and direct method of criminalization and penalizing the offending behaviour has rarely been employed.

Even when the obnoxious behaviour has been outlawed, attempts have been made to obtain a better control of the phenomenon by outlawing other forms of behaviour which are thought to be links in the causative chain which ends in the obnoxious behaviour (Jayewardene, 1977: Jayewardene and

Deschamps-Eric, 1984). Thus, in the case of crimes against property, the possession of housebreaking implements, being found in a building, the possession of stolen goods and the like have been outlawed. Likewise in the case of homicide, acts likely to cause death and the possession of weapons which, when used, are likely to cause death have been legislated against. In the case of prostitution, this appears to be the most commonly used technique.

A third method used by governments is to legalize the behaviour and bring it under control through some administrative device such as licensing. By manipulating the licence fees and the taxes imposed, a government supposedly is able to control the magnitude of the phenomenon. More important, however, has been the facility that this method of control affords the government to avoid the ill effects of the undesirable behaviour without outlawing the behaviour itself. This technique too has been used by governments to control prostitution.

Among the countries considered in this study, prostitution has been outlawed in Yugoslavia, in Hungary and in Japan. In Yugoslavia, prostitution is not a felony; it is only a misdemeanour. It is so in Hungary too. In both these countries, in addition to this direct control, indirect methods of control have been adopted. Procuring, inducing, facilitating or forcing others to prostitution, soliciting, managing brothels, renting a house or part of it for prostitution, living off the avails of a prostitute all have been outlawed. Yet, prostitution does occur in both these countries though it appears to be decreasing in Yugoslavia.

In Hungary, prior to the Second World War, prostitution was permitted and legalized. All prostitutes had to be registered. For some unknown reason, the number of prostitutes registered was reducing, until in

1950 the number of prostitutes and brothels registered was small. Prostitution was then prohibited and all brothels were ordered to be closed. Rather than prostitution disappearing altogether, it started raising its head in clandestine form. The Hungarian government clamped down a special law imposing relatively severe punishments. This law has since been changed with a reduction in the severity of the punishments imposed. Prostitution has not disappeared in Hungary. It appears instead to be increasing and with it there has been a marked increase in the incidence of venereal disease. There are apparently three types of prostitutes in Hungary today. There are first the full time prostitutes catering exclusively for the tourists. Then there are the street walkers. Third are the part time prostitutes -- upper and middle class women -- seeking to supplement their income. The latter two types cater to the local population.

In both Yugoslavia and Hungary, patronizing a prostitute has not been criminalized. This is a point that has been raised in legal circles with the idea being promoted that the client of a prostitute should also be held accountable as an accomplice. In Japan, not only is prostitution made a crime, the male customer of the prostitute is also committing a punishable offence. In addition, the anti-prostitution laws of this country seek to control prostitution not only directly but indirectly as well outlawing procuring, inducing and all the other host of similar offences. Yet prostitution appears to be almost endemic, operating under a number of legitimate guises. Contact for sexual intercourse could be made in restaurants with the entertaining geisha girls or waitresses, in pubs and drinking houses with barmaids, in hotels with the housemaids, in massage parlours, in Turkish baths and in almost every legitimate place of business.

Argentina could also be considered a country that has outlawed prostitution. It prohibits brothels but in certain parts of the country such as Buenos Aires, the definition of a brothel is such that prostitution is virtually prohibited. In other parts of the country, such as Rosario, the definition is more lax and in still other parts, such as Corrientes and Comodoro Rivadavia, brothels are legally permitted. Argentina is also a country that has dilly-dallied with the control of prostitution. At one time prostitution is prohibited. A year or two later that law is rescinded. Another year or two later the rescinding law is rescinded and the state of affairs restored to its original position. This has gone on ad infinitum. The police also appear uninterested in the problem and in any one year there are not more than four or five persons charged for any prostitution connected offence. An interesting observation here is that prostitution is considered less of a problem in places like Rosario where the law is relatively lax and more of a problem in places like Buenos Aires and Mendoza where the laws are strict.

The indirect form of control is the commonest one that has been utilized. In addition to Argentina, this technique has been used by Poland, Sri Lanka, Chile and Singapore. In Poland, there are sections of the Penal Code which outlaw soliciting and exposing another to venereal disease but the main law dealing with prostitution is the section of the Penal Code dealing with proxenetism outlawing procuring and soliciting and living off the earnings of a prostitute. Compared with the law in other countries, the law in Poland is relatively lax but the laxity of the law appears to be more than compensated for by the extra vigilance of the police, keeping known prostitutes under constant surveillance for violation of other laws and the commission of other crimes.

In Sri Lanka, prostitution is dealt with through the Vagrants Ordinance and the Brothels Ordinance. The Brothels Ordinance permits the police to take action against any form of organized prostitution especially in view of a recent judgment which refused to define a brothel exclusively in terms of the sexual act. The Vagrants Ordinance permits the police to take action against street walkers, against soliciting, against procuring and the like. The Vagrants Ordinance gives the police considerable powers placing the onus on the accused to prove that whatever was being done was not done for immoral purposes. The police claim that the incidence of prostitution has reduced but this does not appear to be the factual situation. There seems to be an increase not only in heterosexual prostitution but in homosexual prostitution as well. Prostitution is evidently mainly in the tourist resorts and in particular areas of these resorts and, though the police appear to allow the activity unhampered, there is no policy of enforcement decriminalization as long as it is restricted to certain areas.

Enforcement decriminalization as long as the prostitution is restricted to certain areas is the policy that is followed in Singapore. Here prostitution is not a crime but attempts have been made to control the phenomenon indirectly. The relevant law is found in the Women's Charter and it does outlaw living off the avails of a prostitute and the management of brothels in addition to procuring, inducing, facilitating and trafficking. The enforcement of the law, however, appears to be directed towards the protection of women rather than towards the prevention of prostitution. It should perhaps be pointed out that the main purpose of these laws dealing with prostitution and prostitution related offences not only in Singapore but in all countries, appears to be the protection of women and children. In all the countries, the threatened

punishment for violation of the different section is greatly enhanced when the victim is a minor, when the adult is a person in authority over the victim and when the act is accomplished through violence, threats or deceit.

Prostitution is not a crime in Chile, but attempts are made in that country to control the phenomenon indirectly. At one time houses of prostitution existed and they are claimed to have served a function, not as a simple sexual outlet but as a place for the social gathering of men. Prostitution was just one of the services available at these places. With the liberalization of sex, these places seem to have gone out of fashion. The Chilean government, desirous of ensuring that places of entertainment are not converted into brothels, has legislated that these places of entertainment should not contain any facilities for prostitution. The legal requirement has been circumvented by having the facilities for prostitution in the adjoining building unobtrusively connected to the place of entertainment.

Despite the efforts of the Chilean government, other houses of prostitution have sprung up in the form of massage parlours and relax houses. These places advertise legitimate services but almost every one seems to know that their real business is prostitution. Also developing is a call girl system. A disturbing feature in this setting is the increasing incidence of child prostitution. Prostitution in Chile appears to be reaching the boundary of tolerance. A lone crusade is being conducted against it by a Roman Catholic priest. He has met with considerable opposition even from the police but the action that he has generated appears to have made people sit up and think.

In the Arab countries any and every form of sexual deviance is looked upon as a serious offence. Adultery is outlawed and made punishable by stoning to death. Prostitution can easily be dealt with under this law and it is

in some Arab countries. However, most of the countries have laws which attempt to control the phenomenon indirectly. These laws are the legacy of the British and the French. In spite of the stringent Muslim law and the laws attempting to control the phenomenon indirectly, prostitution does thrive. One of the problems that faces these countries in this connection is the reconciliation of the strict sex laws with the demands of modern society especially one where a large transient foreign male population seeks sexual stimulation and sexual gratification. Rather than change the Muslim laws or attempt to enforce them strictly, the reconciliation has been attempted by an enforcement decriminalization which has permitted the development of a number of houses of entertainment where prostitution is one of the services provided. These services are generally provided by alien girls coming into the country for that purpose under the guise of being an artist. These girls, however, are not given unlimited rein for their activities. Their entrance into the country, the length of their stay and the place where they work are strictly controlled. In some Arab countries, prostitution has been legalized and houses of prostitution are permitted to operate. Even in these countries illegal prostitution exists and one of the dispositions available in cases of illegal prostitution is placement in a legal brothel.

Prostitution has been legalized in Venezuela and in Panama. In both these countries it is an offence to promote, facilitate or force prostitution or to live off the earnings of a prostitute. In Panama, in addition, it is an offence to expose someone to venereal disease. The main idea of these laws is to protect women and children and to prevent the exploitation of prostitution, and, as has been the situation in other countries, the punishment threatened is enhanced if

the victim is a minor, the offender a person in authority over the victim and the offence committed through violence or deceit.

What the legalization in Venezuela and in Panama has done is to permit the establishment of brothels. These are permitted to operate in special isolated areas outside the city limits, termed public tolerance areas. The prostitutes are required to submit themselves regularly to medical examinations which would ensure that they are free from venereal disease. The prostitutes are also required to pay income tax. The main idea of the legalization appears to be the control of venereal disease. But whether this technique would result in the control of the disease is debatable. The restriction of prostitution to certain areas is designed to keep the phenomenon out of the sight of the general public.

In both Panama and Venezuela one problem is illegal prostitution. In Venezuela, the problem takes the form mainly of street walking while in Panama, it takes the form of disguised prostitution associated with drinking houses and houses of entertainment. The Panamanian government has attempted to control the situation by legislatively demanding that women who work in or frequent such places carry with them an identification card which is in reality a licence to engage in prostitution. These prostitutes are looked upon as semi-professional in contradistinction to the professionals who work in the licensed brothels. Both of them -- the professional as well as the semi-professional cater to tourists. Clandestine prostitution in the form of a call girl system as well as street walkers also exist in Panama. These cater to the natives.

None of the three forms for the control of prostitution appear to be effective. Not only are they not effective, each form appears to generate a

series of other problems. The problem with the control of prostitution appears to be that there is a demand for it. This is most evident now in those countries where the tourist industry is being developed as well as in those countries where the economic development calls for a sizeable foreign population. Though liberalization of sex has reduced the demand for prostitution from the local population, the demand for it by tourists and other foreigners tends to make it a very profitable business. This is exactly what appears to be happening — the organization of prostitution as a business. The indiscriminate and financial implications of prostitution, together with the associated pleasurable connotation, has endowed the sexual intercourse of prostitution with an immorality in terms of a bygone moral philosophy. As sexual intercourse itself is not illegal, the best course of action appears to be the simple decriminalization of prostitution with, of course, protection afforded children.

13.5 The Problem of Pornography

As far as pornography is concerned, there appears to be two aspects to it. The first is the immorality of gaining sensual satisfaction from viewing or reading obscene material and the second is the effect that such material has on the development of the young. As far as each of these aspects are concerned, the main problem appears to be the ready availability of pornographic material. In almost all the countries considered in this study, pornographic material does not appear to be readily available. In almost all the countries this appears to be due to the fact that the pornographic material has to be brought from outside. There is apparently no production of pornographic material locally. This has been described as being the situation in the Eastern European countries. In Hungary, however, there has been an increase in the

number of pornographic films available. This has not been due to an increase in local production, but to the development of the tourist industry.

In the Latin American countries also pornographic material appears hard to come by. Whatever material is available has been imported and available only in English so that it is available only to a very small section of the population. Here, however, the demand rather than the supply appears to be the problem. Attempts had been made in Chile to produce pornographic magazines locally but this ended as a dismal failure. Even the production of magazines like Playboy were not financial successes. The only country where the local production of pornographic material takes place on a large scale is Sri Lanka. In this country, pornographic material in English is hard to come by, maybe due to import restrictions in earlier times. But such material is readily available in the vernaculars. In spite of the ready availability of such material and the thriving trade in it, the police in Sri Lanka does not consider it a problem in that country. From their point of view, what is a problem is the availability of pornographic video cassettes which could be viewed by children in the privacy of their homes. Such appears to be the situation in Venezuela too. In Chile, where pornography is supposedly not a problem, it was not merely the absence of pornographic material that was responsible for the situation, government control is also thought to have contributed to it. Here the censoring of films, the municipal control of shows and the operation of television by the government or a university are the control procedures.

13.6 The Control of Pornography

Attempts to control pornography have taken two forms. The first are the laws designed to prohibit the production, the public exhibition, the

dissemination and the sale of pornographic material. All countries considered here have these laws on their statute books. However, the number of cases prosecuted under these laws is extremely few. Part of this is due to the fact that the definition of pornography is extremely vague. In Argentina, where there exists considerable opposition to the existing pornographic laws, it has been pointed out that the boundary between pornography and art is almost indistinguishable. Jurisprudence in that country seems to suggest that the obscenity of a work should be judged not on the basis of a single paragraph but in the context of the whole book having in mind the intention and purpose of the author. The opposition to the pornographic laws appears to have grown from attempts made by groups such as the Decency League as well as religious bodies to have films such as "Les Amants", "Jesus Christ Super Star", and theatrical productions such as "Mistero Buffo" and "Dona Flor y sus dos Maridos" banned. The pornographic laws in Sri Lanka, it is claimed, have been used by the government to control despatches by and to journalists. In Panama, the National Council of Censor is specifically enjoined to prevent the exposition of "propaganda of quaint theories of totalitarian systems" which aim at the destruction of the democratic way of life in that country.

The second form of activity attempting to control pornography is the machinery for the censorship of films. All countries considered in this study have such a mechanism. All films before they are exhibited must be reviewed and certified by a Board of Censors. What criteria are to be used by the Board of Censors in the certification of the films for the exposition are generally not spelled out. This is done only in Chile where the Board is required to ban all films which offend national dignity, promote the use of drugs and justify homosexuality. Obscenity is not a reason for refusing certification.

However, it must be used to classify films as to the type of audience to which they may be shown. This appears to be the situation in other countries as well. In Panama, we are told, pornographic films are shown openly in the movie houses during the regular hours. Films that are supposedly "hot" are shown after midnight. In the more rural areas of this country where there is usually one large hall to serve a multitude of purposes, pornographic films are permitted to be shown once a week. Rumour has it that on these occasions, the hall is packed to capacity.

In most countries pornography is a matter of little or no interest to the general public. In Poland, there is a move to decriminalize it. The arguments put forward there are:

1. the number of cases of pornography are extremely few;
2. the supposed harm that it causes is unsubstantiated;
3. the supply of pornographic material is limited; and
4. those having contact with pornographic material do so on a purely voluntary basis.

Consequently, the criminalization of pornography is only a violation of human rights.

Pertinent here is the question whether the arguments put forward in Poland apply to all countries. As far as the first argument is concerned, the number of persons charged under the pornography laws are extremely few in all countries. As far as the second argument is concerned, there is really no substantiation of the harm that pornography really does. It has, however, been claimed that in Panama, where pornography is treated lightly, that the tone and style of rape has changed and that this change has been influenced by

pornographic presentations. It is also claimed in Panama that the pornography is having an influence on juveniles and attempts are made to clamp down on it.

The supply of pornographic material is certainly limited in most countries. But this does not necessarily mean that it will remain so. If and when the demand for pornographic material is sufficiently great, the local production of pornographic material can readily produce the supply. Those who have contact with pornography certainly do so on a voluntary basis and this situation is unlikely to change.

Apart from Panama, an attempt is made to clamp down on pornography in Sri Lanka also. Here, there has been a lone crusade conducted by a journalist and, in more recent times, he has been joined by other organizations as well. The government has announced its intention to change the laws. Another country where the problem appears to be reaching the boundary of tolerance is Argentina. Here, the Sieta Dias published a series of articles on pornography. The point they tried to make, however, was that pornography was really no problem in that country, pointing out that in those places where they have pornographic shows, more is promised than is really given.

With pornography as with prostitution, attempts to control the phenomenon appear to create more problems than they solve. The number of cases dealt with are extremely few. The only thing that the law seems to do is to provide the government with a weapon that it could use to control and contain those sentiments which may be against the government. However, most people would perhaps agree that there is a need to ban what is obnoxious and reprehensible from public circulation. But they would also agree at the same time that there is a need to ensure that the greater harm of the interference

with human freedom must be prevented. As far as any action to control pornography is concerned, the basic question appears to be the harm that it does to the development of the youth. Consequently, before any decision is made, the actual effect that pornography has on the young must be ascertained.

12.7 References

J.E. Decker: Prostitution: Regulation and Control. Colorado, 1979.

C.H.S. Jayewardene: Classification for Diversion. Ottawa, 1977.

C.H.S. Jayewardene and M. Deschamps-Eric: The Legislative Control of
Homicide in Canada, Medicine and Law. (In Press).

W. Schurink and T. Levinthal: Business Women Exchanging Sex for Money: A
Descriptive Study, South African Journal of Sociology, 14/4 (1983) 154-
163.



CA1
J 800
83 P105

WORKING PAPERS ON PORNOGRAPHY AND PROSTITUTION

Report # 5

CANADIAN NEWSPAPERS' COVERAGE
OF PORNOGRAPHY AND PROSTITUTION -
1978 - 1983

by
M. El Komos

POLICY, PROGRAMS
AND RESEARCH BRANCH
RESEARCH AND
STATISTICS SECTION

Government
Publications

CAF
J800
63P105

**CANADIAN NEWSPAPER COVERAGE OF
PROSTITUTION AND PORNOGRAPHY
1978 - 1983**

by
Maged El Komos

July
1984

Submitted to the Department of Justice, Ottawa

The views expressed herein are those of the author and do not necessarily represent the views or policies of the Department of Justice.



ACKNOWLEDGEMENTS

The author is pleased to thank the Library of Parliament, the CBC in Toronto, the main public libraries of Winnipeg, Calgary and Vancouver, The Halifax Chronicle Herald, La Presse, and the Globe and Mail, for making available their collections of articles on prostitution and pornography.

To Professor John Lowman of the Department of Criminology at Simon Fraser University, my sincere thanks for consultation, for articles on prostitution, and for making available to me part of his study of prostitution coverage in British Columbia newspapers.

To my assistants, Rhona Berenstein, Valerie Erdile, Nicole Maillé, Kai Oka, Alison Tett and Denyse Therrien, my sincere thanks.

To John Roston, Deputy Director of Instructional Communications at McGill University, my sincere thanks for help with the design of the coding sheet and planning for the computer searches.

TABLE OF CONTENTS

	<u>Page</u>
<u>Acknowledgements</u>	i
<u>Introduction</u>	1
<u>Methodology</u>	5
<u>Prostitution</u>	7
Findings	8
Data	16
Information on Sample Studied for Opinion	34
Language	36
<u>Pornography</u>	39
Findings	40
Data	49
Information on Sample Studied for Opinion	67
Language	68
<u>Concluding Remarks</u>	71
<u>Appendices</u>	73
Lists of Topics	75
Chronology, Prostitution	77
Chronology, Pornography	89
Coding Sheet	97

INTRODUCTION

General Purpose

The general purpose of this study has been to identify how Canadian newspapers have covered the issues of pornography and prostitution in the period from 1978 through 1983.

Conditions

Given the time frame and the scope of the study, "Canadian newspapers" was understood to refer to major newspapers in each of the five regions of Canada: The Halifax Chronicle Herald, Le Devoir, La Presse, The Globe and Mail, The Toronto Star, The Winnipeg Free Press, The Calgary Herald and The Vancouver Sun.

Due again to the time frame it was agreed that the material for the study would consist of newspaper clippings whenever these were available and accessible. Microfilm of newspapers would be used for the purpose of supplementation only when this was found necessary and feasible.

It was understood that the result of the above-mentioned conditions would be a representative not an exhaustive corpus, and that, since clippings do not give page references, information as to the positioning of articles would not be available.

Sources

Newspaper clippings on pornography and prostitution are kept by a number of establishments, including the newspapers themselves, although not all the latter are open to the public. The Library of Parliament gave access to the clipping files kept by it on these two issues. The material taken from there was then supplemented by clippings from the CBC in Toronto, the main public libraries of the cities of Winnipeg, Calgary and Vancouver, and from The Halifax Chronicle Herald, La Presse and The Globe and Mail. In the case of the latter, printouts were obtained from Info-Globe. In the case of The Vancouver Sun, Professor John Lowman, of the Department of Criminology at Simon Fraser University, who also acted as consultant to this study, supplied his collection of articles on prostitution, which came from copies made from microfilm on the basis of an index kept by Simon Fraser University Library on prostitution coverage in British Columbia newspapers, the Canadian Newspaper Index, and his own collection. The Canadian Newspaper Index was also the basis for supplementation for the broad collection of material wherever this was found necessary and feasible.

Nature and Status of Corpus

Material obtained from files kept by the newspapers themselves can be assumed to be comprehensive as, to the best of our information, it is the policy there to include everything published by the newspaper on the subject.

The Library of Parliament's collection policy is not aimed at exhaustiveness but is based on a criterion of importance, in turn based on addition to or modification of discussion of an issue. Repetition and follow-up judged unrevealing are thus avoided.

However, the Library of Parliament's collection was supplemented by the files kept by main city public libraries. According to our information, the policy there is to include everything from the local newspapers, except in the case of Winnipeg, which was supplemented from the Canadian Newspaper Index. It is necessary to say, however, that public use of the files can result in losses.

The Simon Fraser University Library index when used by Professor Lowman included articles up to June 1979 (the index for the period July 1979 to 1983 was being microfilmed and was thus not available).

The Canadian Newspaper Index, which aside from providing part of Professor Lowman's collection was used in this study only for occasional supplementation, consists of a subject index of a number of the largest newspapers across Canada. Its policy is selective, based on a criterion of significance.

The Index de L'Actualité was not felt to be necessary because La Presse supplied its own files and, in the case of Le Devoir, the Library of Parliament's collection - but also articles that happened to be in the files kept by La Presse - including the majority, about 85% of Le Devoir's coverage.

The CBC reference library in Toronto supplied its files for the Toronto Star, which it judges to be between 80 and 90% comprehensiveness.

Given the above information, some newspapers are somewhat more strongly represented in the corpus than others. It was judged that this was not necessarily a disadvantage, however, as those of our sources whose collection policy is selective all observe the criterion of event and topic significance, which formed the central goal of our study.

Rationale Governing Purpose of Study

A more detailed description of the approach of the study will be given in the section on Methodology but it is appropriate here to define the reasoning behind the approach.

"How" Canadian newspapers have covered the issues of pornography and prostitution is made up of two major components: (1) What are the events or occurrences that have led to coverage, how are these distributed regionally and what are the particular topics that represent these issues in newspaper coverage? (2) What are the opinions and forms of reasoning or argument found in the newspapers when these issues are discussed?

It is necessary to say, at this point, that the latter necessarily includes the opinions and forms of reasoning of members of the public as they are quoted or reported, for the simple reason that the vast majority of articles are news articles in which members of the public are quoted or reported.

Structure of the Report

The report begins with a description of the methodology. Prostitution and pornography are then presented separately, in that order. With each, there is first a presentation and discussion of findings, followed by the data, the information on the results of the study of opinion, and a commentary on a particularly frequent linguistic expression which appears in the sample.

After both prostitution and pornography are presented, there follow concluding remarks.

The appendices include the coding sheet, lists of topics for prostitution and pornography, which correspond to the topic numbers on the coding sheet, and a chronology of the significant events for prostitution and pornography.

METHODOLOGY

To realize the rationale stated in the introduction, the following was undertaken:

A coding sheet was designed that would register, as most important, the topics discussed in an article, the geographic context referred to, and the sources of comment quoted or reported. Figures for topic frequencies thus do not reflect the number of articles but the times that the topics appear in discussion.

All 1659 articles collected were coded in this way. The reason that the total for prostitution and pornography articles is higher, 1721 (table 2 plus table 10), is that a number of articles, generally having to do with the Criminal Code, discuss both issues.

After collecting and tabulating results for topic, geographic context and sources of comment, a week-by-week search for intensities in coverage was conducted by topic groups. This search turned up clusters of articles within certain weeks and adjacent ones. On the basis of the clipping numbers found in the clusters, the files of articles were returned to in order to find what the stories and events were. Where there were concentrations in a certain event or story, showing importance due to intensity of coverage, sampling for the study of opinion was based on a spread of all the newspapers covering it.

The sample for opinion study is therefore consistently, not randomly, gathered. This was decided because the identification of significant events was central to the study and it therefore seemed reasonable to get the opinion survey from where there was most intense discussion. The figures for the respective presence of opinions and their sources must therefore be seen as representative of the coverage when it is at its most intense.

The number of articles in the sample for prostitution is 85, or 8.7% of the total. The number of articles for pornography is 65, 8.6% of the total.

Each article in the sample was summarized separately by two persons who did not know that they were working on the same article. The summaries were then brought together and checked against each other. Study proceeded according to information matched in both articles with some allowance for greater thoroughness, or more succinctness, in one summary or the other. Positions and arguments given in support of them were then listed according to clear patterns they could be grouped into. This called for some interpretation as opinions are often expressed in a fragmentary and occasional way. It was then determined what the frequency, within the sample, of each position was in relation to the others, and which sources among those expressing it did so most. This information is given by means of percentages. The purpose

of this method was to ascertain positions vis-à-vis each of the two issues, pornography and prostitution, and the attitudes and major concerns underlying them.

The comments on language appearing near the end of each section are limited to one particularly frequent expression.

The chronological reviews of events, which appear as appendices, were done manually; they include everything that appeared in two or more articles in the entire corpus.

PROSTITUTION

Table 1 gives the total number of articles for each year of the study period.

Table 2 gives the number of articles in each newspaper included in the study.

Table 3 gives the number of articles in each newspaper for each year and month.

Table 4 gives the number of articles per geographic context ranked for each year.

Table 5 gives topic frequencies ranked for each year.

Table 6 gives topic frequencies ranked for the entire study period.

Table 7 gives frequencies for sources of comment quoted or reported ranked for each year.

Table 8 gives frequencies for sources of comment quoted or reported ranked for the entire study period.

Findings

1978

Within the study period as a whole, this year is the fifth in intensity of overall coverage and is characterized by the marked prominence of the Vancouver Sun and of British Columbia (see Tables 3 and 4, respectively). This is because the events that attracted the most coverage took place mainly in Vancouver (see Chronology). These events are of a legal nature. In particular, the Hutt and Penthouse cases, when, in the first, the Supreme Court of Canada ruled that soliciting in an unmarked police car was not soliciting in a public place and, in the second, it refused to hear an appeal against acquittal of the cabaret owners from charges of living off the avails of prostitution, because the link between the prostitutes and the owners was not sufficiently established with regard to prostitution specifically. The Supreme Court of Canada had also ruled that soliciting in the Hutt case was not "pressing and persistent" and did not constitute a violation of the soliciting law. March is the month with the highest number of articles and this is due to these events.

The most frequently occurring topics have to do with the issue of controlling prostitution. Federal legislation is leading in virtue of its presence in the context of proposed changes to the Criminal Code (see Chronology), as well as in virtue of calls for it subsequent to the Supreme Court rulings.

Legal, law-enforcing and legislative officials are also the most frequently quoted or reported sources of comment (Table 7), along with journalists and adult prostitutes.

The least frequently occurring topics have to do with organized crime, with justification of prostitution, and the psychological effects of prostitution. Topics such as the responsibility of levels of government for legislation are infrequent, mainly because the resort by cities to municipal by-laws for control has not been set in motion as yet. Homosexual prostitution topics are also infrequent.

The least frequently quoted or reported sources are customers, support groups, legal groups and pimps.

Apart from coverage by the Vancouver Sun, the events in British Columbia discussed above were covered minimally by the Globe, the Toronto Star and the Winnipeg Free Press. They do not appear in our collection in La Presse, Le Devoir or the Calgary Herald.

1979

Within the study period, this is the lowest year in overall coverage. No events in particular are there that trigger intense coverage. There is general discussion of the recently proposed changes in the Criminal Code, and, relative to the generally smaller coverage for the year as a whole, a topic such as definition of soliciting appears more frequently as a topic in its own right, although it is a topic that also appears within legislation and law enforcement. Again, given the relative size of overall coverage, juvenile prostitution appears more frequently. These observations are made in comparison with the previous year, of course (Table 3). Otherwise, the leading position of topics having to do with legislation and with enforcement of the law is the same.

British Columbia is still the context of the most overall coverage, although our corpus, not being exhaustive, does not show the Vancouver Sun as the leading newspaper.

Again, the most frequently quoted or reported sources of comment are legal, legislative or law-enforcing officials, along, again, with journalists and adult prostitutes.

The least frequently occurring topics are decriminalization and justification of prostitution, organized crime, the psychological effects of prostitution. Municipal legislation is still among the least frequent, while homosexual prostitution has moved to the middle range.

The least frequently quoted or reported sources of comment are pimps, residents', legal and religious groups.

1980

Overall coverage is now more than twice that of the previous year. There is a significant increase in the coverage by all newspapers, with the Globe, La Presse and the Vancouver Sun as the leaders. Our corpus, because not exhaustive, does not show that the Vancouver Sun's coverage is in fact higher than the others.

Aside from those which this year's Chronology shows for Québec, however, the increase in coverage is not attributable to particular events.

Even in the case of the Vancouver Sun and British Columbia, where the figures are actually higher than those shown in our tables, and for which

July is the highest month, the coverage is not triggered by any particular event. There is an all round increase in discussion of the issue of prostitution as such.

1980

Continued

With regard to the events in Québec, the most significant is the bylaw brought out by City Council prohibiting soliciting in a public place for the purpose of prostitution. This is reflected in La Presse's coverage for July. Interestingly enough, however, the majority of La Presse's articles for July are not news articles, but reportages on prostitution in Montreal, often explicitly linked to the appearance of the bylaw. These reportages investigate the situation in Montreal and seek the opinion of a broad selection of commentators.

The Montreal bylaw is covered by the other newspapers.

With regard to topics, juvenile prostitution has gained again in frequency, since 1979, that is, and so certainly has municipal legislation. There is a general increase in discussion of juvenile prostitution, but in the case of municipal legislation it seems reasonable to assume that Montreal's bylaw, and the interest of other city councils in it, is behind the increase. This is also supported by the Chronology. Otherwise, the most prominent topics are again those having to do with legislation and law enforcement.

The most frequently quoted or reported sources of comment are, again, legislative, legal and law-enforcing officials, along with adult prostitutes and journalists. Support groups have made gains worth noting.

The least frequently occurring topics are, again, justification and decriminalization of prostitution, psychological effects of prostitution, and organized crime. It may be worth mentioning that provincial legislation appears infrequently for reasons of legislative structure. Legislation for prostitution is, of course, a federal responsibility, with municipalities intervening with bylaws occasionally.

The least frequently quoted or reported sources of comment are, again, customers, residents, legal and religious groups.

1981

This year overall coverage almost doubles from the previous one. There is a general increase in the number of events across the country, but it is Calgary's passing of two bylaws making it an offence to remain in or near a city street for the purpose of prostitution that attracts the most coverage, and it attracts it from all newspapers. In fact, the two Calgary bylaws sustain coverage for some time before and after their passage. From May 23, when licensing of prostitutes was being considered by the City, until June 18, when the bylaws are passed, Calgary figures a number of times as the context of debate as to what control measures to take regarding prostitution. After the passage, the first charges laid under the two

1981

Continued

bylaws attract some attention as does their contestation leading to the ruling against their validity on October 7.

British Columbia is still the highest context of overall coverage, but Alberta is a high second because of the eventfulness discussed above.

This is also reflected in the fact that the topic of municipal legislation is now second in frequency only to court cases. It is worth noting that earlier in the year, the Federal Solicitor General had suggested that other cities emulate Montreal by passing bylaws for the control of prostitution, as that city had done in 1980. Vancouver rejected the idea, but Calgary had been considering it. The point of mentioning these facts is to shed light on how the matter of bylaws becomes the occasion of increased coverage.

Juvenile prostitution has maintained its place. Otherwise, legislative, legal and law enforcement questions still appear most frequently.

The most frequently quoted or reported sources of comment are still the same: legislative, legal or law-enforcing officials, along with journalists and adult prostitutes. Residents' groups have now moved back to their middle-range position of 1978. They had dropped to the lower range in 1979 and 1980.

The least frequently occurring topics are, again, organized crime, justification and decriminalization of prostitution.

The least frequently quoted or reported sources of comment are legal, women's and religious groups. It is worth mentioning that this is the lowest year in the study for women's groups.

The events in Calgary discussed above were covered by all the English newspapers but most notably by the Calgary Herald and the Globe. According to our corpus, they were not covered, at the same time, by La Presse or by Le Devoir.

1982

Overall coverage for this year is almost as high as for the previous one. The Vancouver Sun and British Columbia are, again, in the leading position. May is disproportionately high in coverage by the Vancouver Sun. This is due to the fact that, in April (see Chronology), Vancouver City Council had approved a bylaw empowering police to issue tickets to anyone found buying or selling sexual services on the street. In May, most of the Sun's coverage has to do with the question of whether or not the names of prostitutes' customers should be made public. Previously, the Mayor of

1982

Continued

Vancouver had approved of the bylaw prosecutor's practice of allowing those who pleaded guilty to charges enacted under the bylaw, and who paid their fine before being summoned to appear in court, to be exempt from having their names made public. A smaller amount of the Sun's coverage has to do with the question of the Federal Government's responsibility to produce legislation for the control of prostitution.

There is, in May as well, a first for Ontario, when Niagara Falls passes the first anti-soliciting bylaw in the province and it is stated that the names of people charged under it will not be protected from publicity. This is covered by the Sun, the Toronto Star and the Globe. The Vancouver events are covered mainly by the Sun and the Globe.

With regard to topics, municipal legislation is now, for the first time, and by a considerable margin, the most frequently occurring. 1982 is the year in which there is a high concentration on the idea of cities taking charge of their prostitution situations, the actions of mayors and debates revolving around city legislation. Juvenile prostitution, which had been gaining in frequency as a topic since 1979, loses its high place. Otherwise, there is little change as to the most frequently occurring topics.

With regard to quoted or reported sources of comment, municipal councillors are now at their most frequent yet, presumably for the same reason that municipal legislation is so frequent as a topic. But the most frequently quoted or reported sources of comment are the same: legal, legislative and law-enforcing officials, along with journalists and adult prostitutes.

There is a slight change in the least frequently occurring topics, to the extent that decriminalization of prostitution and organized crime gain a little in frequency while harrassment by police drops a little. Justification of prostitution, harrassment by police and psychological effects of prostitution are thus the least frequent.

There is also a slight change in the frequency of business groups as sources of comment, to the extent that it drops to become one of the lowest three, along with legal and religious groups.

1983

In this year there is a small increase in overall coverage from the previous two years. The Globe and Mail, the Toronto Star and the Vancouver Sun are leading in overall coverage, in that order. Actually, the Vancouver Sun's coverage is more than the Toronto Star's by three articles, which our corpus does not show.

1983

Continued

The most important "event" in the overall coverage, however, is the Supreme Court of Canada ruling against the validity of the Calgary bylaw and its implications for legislation of prostitution in the country as a whole. This bylaw had an extended history. It was passed in June, 1981, declared illegal in October of the same year, ruled legal by the Alberta Court of Appeal in February 1982, and, now, invalidated by the Supreme Court of Canada in January of 1983. Furthermore, as it had done after the Montreal bylaw of 1980, which later was declared invalid by the Québec Superior Court, the Federal Government had encouraged cities with prostitution problems to emulate Calgary. It can therefore be imagined what a furor the Supreme Court ruling caused and how it triggered coverage. The most intense coverage of the ruling itself is by the Calgary Herald but the implications, and the intensification in the discussion of the question of the Federal Government's responsibility, is found prominently in the Calgary Herald, the Toronto Star, the Vancouver Sun, and to a lesser extent in the Globe and the Winnipeg Free Press.

As can be seen from the Chronology, after the Supreme Court's ruling on Calgary's bylaw, Vancouver drops charges made under its own bylaw of the previous year and repeals it in February.

Later in the year, in May, the Ontario Court of Appeal rules that a prostitute cannot be convicted for loitering. The resort by cities to loitering rather than soliciting charges is thus also dealt a blow. This ruling is not in itself a major event of coverage; it is mentioned in order to complete characterization of the legislative situation in 1983.

The most frequently occurring topics are essentially the same as before. Federal legislation is back as the most frequent single topic mainly because of the pressure for it created by the Supreme Court ruling and its aftermath.

It is worth noting that, with regard to geographic context, and although it is a common denominator category, it is still significant that Canada in general becomes the clear leader. It is reasonable to assume that this, too, has to do with the intensification of the call for federal legislation subsequent to the Supreme Court rulings referred to above. Of course, it is also the case that the Commons Justice Committee made known its proposals for new laws on prostitution and pornography in late June (see Chronology), and this too is behind the prominence of Canada in general as a context. The difference between the intensity of this year's call for federal legislation and that of 1978, for example, is that this year's comes from more quarters and is part of a generally more concentrated attention on prostitution, and this is reflected in the prominence of Canada in general as a context of discussion.

1983

Continued

Municipal Councillors are the most frequently quoted or reported sources of comment, probably because they are behind much of the pressure for federal legislation, but essentially the most frequent sources are the same: legal, legislative and law-enforcing officials, along with journalists and adult prostitutes.

The least frequently occurring topics are the same: psychological effects, organized crime and justification of prostitution.

Essentially the same, the least frequently quoted or reported sources of comment are pimps, legal groups and customers. This is the lowest year for customers, however.

The picture that emerges from these findings is, on the whole, a fixed rather than a changing or moving one. From one year of the study period to the next, there is essentially little change in topic and source of comment frequencies, be they at the top or at the bottom of the scale. And the same can be said of what we can call the middle-range frequencies. Tables 6 and 8, which, respectively, rank topic and source frequencies for the entire study period, thus do justice to the character of the coverage from year to year.

It would seem that the matter of legislative and legal control of prostitution has been the main frame of reference for journalistic activity, for it is significant that topics having to do with the control of prostitution are always occupying, not only the highest, but also the high frequencies. A notable exception is juvenile prostitution. Prostitution in general is a mixture of many kinds of topics, and therefore should not be given a special place, particularly as there are specific topics in the low frequencies.

This overall picture is also confirmed by data for topic coverage by individual newspaper, where the variation depends on the geographic context of the major events more than on any other factor.

It seems reasonable to assume that such a picture is symptomatic of a situation in which the basic matter, prostitution, is legal, yet that, for one reason or another, there is little agreement on what form its existence should take. Whether there also are tensions in accepting its legality cannot be judged from the coverage. What is clear, however, is that the call for control is claiming rightness on the basis of an argument that there is inconvenience, and sometimes moral offence, caused to others by the presence of prostitutes and customers, and their transactions, in public places. It would seem, from the coverage, that there is a predominant view that prostitution can be accepted as a "fact of life" - a recurrent phrase - but that it should not be prominently in view.

1983

Continued

What characterizes the coverage in a principal way, then, is that prostitution as such is not itself the issue. We do not, except for juvenile prostitution, find topics on prostitution itself or its effects frequently covered, including as this does psychological effects, economic effects, violence and organized crime. Its control seems to be the issue, judging by the coverage.

The most frequent sources of comment are also legal, legislative and law-enforcing professionals, presumably for the same reasons that the most frequent topics are what they are. Journalists are in high frequency mainly because they are the authors of editorials and features, as well as occasional commentators in news articles. Adult prostitutes are also frequent sources of comment, and our data show that their frequency is confirmed by the particular articles in which they are quoted. They are, that is, not infrequent sources of comment in articles on legislation and manner of availability, for example. Yet articles mainly on prostitutes expressing their opinion in their own interests are not in the high frequencies, and decriminalization of prostitution, often the prostitutes' position on the matter, is not a high frequency topic; nor is justification of prostitution, another topic where one finds the prostitutes' position. It is thus reasonable to assume that what prostitutes are often quoted on are matters not immediately related to the question of what to do about prostitution.

Customers are not frequently quoted at all, possibly because they do not like being approached on the matter of prostitution, but possibly, too, because they are not sought out.

The information for our sample on positions and arguments supporting them suggests that the most predominant opinions are those of the most predominant sources of comment: legal, legislative and law-enforcing officials, in turn linked to the most predominant topics, those having to do with the control of prostitution.

As is discussed in the section on language, we judge the use of a linguistic expression such as "hooker" to manifest, in itself, a degree of trivialization and uncritical reinforcement of stereotypes.

TABLE 1 Number of Articles on Prostitution by Year

1978 :	83
1979 :	61
1980 :	130
1981 :	232
1982 :	223
1983 :	<u>241</u>
Total	970

TABLE 2 Number of Articles on Prostitution in Each Newspaper

The Vancouver Sun:	236
The Calgary Herald:	93
The Winnipeg Free Press:	100
The Toronto Star:	103
The Globe and Mail:	254
La Presse:	111
Le Devoir:	26
The Halifax Chronicle Herald:	<u>47</u>
Total	970

TABLE 3 Number of Articles on Prostitution
 in Each Newspaper for Each Year and Month

1978

[illegible]

TABLE 3
Continued

	1980												Totals
	J	F	M	A	M	J	J	A	S	O	N	D	
Vancouver Sun	-	-	1	4	3	1	2	5	1	2	3	3	25
Calgary Herald	1	-	-	2	2	1	-	2	-	-	2	-	10
Winnipeg Free Press	-	3	2	5	-	1	1	-	-	-	-	3	15
Toronto Star	-	1	1	1	-	4	1	-	1	-	-	-	9
Globe & Mail	2	-	1	3	2	2	2	1	-	2	6	7	28
La Presse	2	1	1	-	1	2	15	-	-	-	2	-	24
Le Devoir	-	-	-	-	2	-	-	-	-	-	1	-	3
Halifax Chron.Herald	-	-	-	1	-	2	-	1	-	1	8	3	16

TABLE 3
Continued

1981														Totals
J	F	M	A	M	J	J	A	S	O	N	D			
Vancouver Sun	4	-	3	2	5	9	3	2	5	6	6	6	51	
Calgary Herald	1	6	-	-	6	7	2	2	1	7	-	2	34	
Winnipeg Free Press	1	-	1	2	2	-	1	2	4	5	2	5	25	
Toronto Star	-	-	1	-	3	4	-	3	1	4	2	1	19	
Globe & Mail	4	9	4	7	8	9	13	5	9	4	7	5	84	
La Presse	-	-	-	1	-	-	3	-	1	-	1	-	6	
Le Devoir	-	-	-	-	-	1	2	-	-	-	-	1	4	
Halifax Chron. Herald	1	1	-	-	2	1	1	-	-	2	-	1	9	

TABLE 3
Continued

	<u>1982</u>												Totals
	J	F	M	A	M	J	J	A	S	O	N	D	
Vancouver Sun	1	1	5	12	28	-	2	2	3	2	2	2	60
Calgary Herald	-	1	2	3	3	4	2	-	2	1	1	1	20
Winnipeg Free Press	2	-	1	6	1	1	-	2	1	1	1	1	17
Toronto Star	-	2	2	-	3	3	-	-	1	1	3	1	16
Globe & Mail	5	5	3	7	8	6	4	3	6	6	1	4	58
La Presse	1	2	5	7	6	5	2	3	5	4	1	2	43
Le Devoir	-	-	-	-	-	2	-	-	2	-	-	-	4
Halifax Chron. Herald	-	-	-	-	3	-	2	-	-	-	-	-	5

TABLE 3
Continued

1983

	J	F	M	A	M	J	J	A	S	O	N	D	Totals
Vancouver Sun	4	9	7	4	5	3	2	2	1	-	-	2	39
Calgary Herald	6	2	5	1	-	4	5	1	-	-	-	2	26
Winnipeg Free Press	2	1	5	2	3	3	-	3	1	1	1	2	24
Toronto Star	4	4	7	4	2	4	2	2	3	4	3	4	43
Globe & Mail	6	4	7	5	1	4	4	6	2	6	2	7	54
La Presse	-	2	8	4	-	1	1	8	2	6	-	2	34
Le Devoir	-	1	-	1	-	-	-	-	-	2	-	-	4
Halifax Chron. Herald	4	1	-	-	1	1	1	2	1	1	4	1	17

TABLE 4 Number of Articles on Prostitution
per Geographic Context
Ranked for Each Year

<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>
B.C. 48	B.C. 29	Qué. 36	B.C. 67	B.C. 75	Canada Gen. 72
Ont. 20	Canada Gen. 9	B.C. 35	Alta. 52	Ont. 47	Ont. 40
Canada Gen. 5	Man. 7	Ont. 14	Ont. 44	Canada Gen. 37	B.C. 37
U.S. 5	Alta. 7	Maritimes Nfld. 14	Man. 27	Qué. 33	Alta. 29
Other 5	Other 7	Alta. 13	Qué. 14	Alta. 30	Qué. 25
Qué. 3	Ont. 5	Canada Gen. 10	Canada Gen. 13	U.S. 13	Other 21
Man. 2	U.S. 3	Man. 6	Other 13	Other 11	U.S. 17
Alta -	Qué 2	Other 5	Maritimes & Nfld. 4	Man. 10	Man. 15
Sask. -	Sask. -	U.S. 4	Sask. 2	Maritimes & Nfld. 2	Maritimes & Nfld. 8
Maritimes & Nfld. -	Maritimes & Nfld. -	Sask. -	U.S. 2	Sask. 1	Sask. -

TABLE 5 Prostitution Topic Frequencies
Ranked for Each Year

<u>1978</u>			
<u>Rank</u>	<u>Frequency</u>	<u>Code</u>	<u>Topic</u>
1	23	1	Federal Legislation
	23	10	Court Decision
2	21	22	Control Solutions
3	18	5	Legislation & Law Enforcement
	18	25	General
4	17	15	Manner of Availability
5	13	9	Court Case
6	12	6	Definition of Soliciting
7	9	16	Prostitution & Violence
8	8	20	Activity of Pressure Groups
9	6	14	Encounter Effects
	6	19	Prostitutes' Earnings
	6	12	Juvenile
10	5	21	Prostitutes' Opinions
11	4	23	Decriminalization
12	3	3	Municipal Legislation
	3	7	Arrests
13	2	8	Harrassment by Police
	2	17	Organized Crime
14	1	4	Gov. Levels & Legislation
	1	13	Psychological Effects
	1	18	Justification of Prostitution
15	0	2	Provincial Legislation
	0	11	Homosexual

TABLE 5
Continued

<u>1979</u>			
<u>Rank</u>	<u>Frequency</u>	<u>Code</u>	<u>Topic</u>
1	15	10	Court Decision
2	14	9	Court Case
3	11	6	Definition of Soliciting
4	10	1	Federal Legislation
	10	5	Legislation & Law Enforcement
	10	15	Manner of Availability
5	8	7	Arrests
6	7	12	Juvenile
	7	19	Prostitutes' Earnings
	7	25	General
7	6	21	Prostitutes' Opinions
8	4	16	Prostitution & Violence
9	3	11	Homosexual
	3	20	Activity of Pressure Groups
10	2	8	Harrassment by Police
	2	14	Economic Effects
	2	22	Control Solutions
11	1	2	Provincial Legislations
	1	3	Municipal Legislation
	1	4	Gv. Levels & Legislation
	1	13	Psychological Effects
	1	17	Organized Crime
12	0	18	Justification
	0	23	Decriminalization

TABLE 5
Continued

<u>1980</u>			
<u>Rank</u>	<u>Frequency</u>	<u>Code</u>	<u>Topic</u>
1	47	9	Court Case
2	27	5	Legislation & Law Enforcement
	27	12	Juvenile
3	18	15	Manner of Availability
4	16	3	Municipal Legislation
5	14	1	Federal Legislation
	14	22	Control Solutions
6	13	10	Court Decision
	13	14	Economic Effects
7	12	6	Definition of Soliciting
	12	25	General
8	10	16	Prostitution & Violence
9	9	7	Arrests
	9	11	Homosexual
10	7	8	Harrassment by Police
	7	19	Prostitutes' Earnings
	7	21	Prostitutes' Opinions
11	6	20	Activity of Pressure Groups
12	5	4	Gbv. Levels & Legislation
13	4	18	Justification of Prostitution
	4	23	Decriminalization
14	3	13	Psychological Effects
15	2	17	Organized Crime
16	0	2	Provincial Legislation

TABLE 5
Continued

<u>1981</u>			
<u>Rank</u>	<u>Frequency</u>	<u>Code</u>	<u>Topic</u>
1	64	9	Court Case
2	54	3	Municipal Legislation
3	45	12	Juvenile
4	40	10	Court Decision
5	39	7	Arrests
	39	15	Manner of Availability
6	32	22	Control Solutions
7	30	1	Federal Legislation
8	29	5	Legislation & Law
9	28	16	Prostitution & Violence
10	27	11	Homosexual
11	20	25	General
12	14	6	Definition of Soliciting
	14	4	Gov. Levels & Legislation
	14	19	Prostitutes' Earnings
13	12	20	Activity of Pressure Groups
14	10	13	Psychological Effects
	10	14	Economic Effects
15	9	8	Harrassment by Police
16	8	21	Prostitutes' Opinions
17	1	17	Organized Crime
	1	18	Justification of Prostitution
	1	23	Decriminalization
18	0	2	Provincial Legislation

TABLE 5
Continued

<u>1982</u>			
<u>Rank</u>	<u>Frequency</u>	<u>Code</u>	<u>Topic</u>
1	77	3	Municipal Legislation
2	58	10	Court Decision
3	51	9	Court Case
4	43	1	Federal Legislation
5	35	15	Manner of Availability
6	31	5	Legislation & Law Enforcement
7	30	4	Gov. Levels & Legislation
8	24	7	Arrests
	24	16	Prostitution & Violence
9	22	25	General
10	20	6	Definition of Soliciting
11	18	12	Juvenile
12	17	22	Control Solutions
13	13	20	Activity of Pressure Groups
14	8	14	Economic Effects
15	7	23	Decriminalization
16	6	11	Homosexual
	6	17	Organized Crime
	6	21	Prostitutes' Opinions
17	5	19	Prostitutes' Earnings
18	4	13	Psychological Effects
19	2	8	Harrassment by Police
	2	18	Justification of Prostitution
20	1	2	Provincial Legislation

TABLE 5
Continued

<u>1983</u>			
<u>Rank</u>	<u>Frequency</u>	<u>Code</u>	<u>Topic</u>
1	84	1	Federal Legislation
2	59	10	Court Decision
3	48	5	Legislation & Law Enforcement
4	45	5	Municipal Legislation
5	44	15	Manner of Availability
6	41	12	Juvenile
7	37	4	Gov. Levels & Legislation
	37	22	Control Solutions
8	34	25	General
9	30	6	Definition of Soliciting
10	28	9	Court Case
11	20	20	Activity of Pressure Groups
12	18	7	Arrests
13	13	14	Economic Effects
	13	16	Prostitution & Violence
	13	21	Prostitutes' Opinions
14	12	11	Homosexual
	12	19	Prostitutes' Earnings
	12	23	Decriminalization
15	10	8	Harassment by Police
16	4	13	Psychological Effects
17	3	2	Provincial Legislation
18	2	17	Organized Crime
19	0	18	Justification of Prostitution

TABLE 6

Prostitution Topic
Frequencies Ranked for the
Study Period, 1978-83

<u>Rank</u>	<u>Frequency</u>	<u>Code</u>	<u>Topic</u>
1	217	9	Court Case
2	208	10	Court Decision
3	204	1	Federal Legislation
4	196	3	Municipal Legislation
5	163	5	Legislation & Law Enforcement
	163	15	Manner of Availability
6	144	12	Juvenile
7	123	22	Control Solutions
8	113	25	General
9	101	7	Arrests
10	99	6	Definition of Soliciting
11	88	4	Gov. Levels & Legislation
	88	16	Prostitution & Violence
12	62	20	Activity of Pressure Groups
13	57	11	Homosexual
14	52	14	Economic Effects
15	51	19	Prostitutes' Earnings
16	43	21	Prostitutes' Opinions
17	32	8	Harrassment by Police
18	28	23	Decriminalization
19	23	13	Psychological Effects
20	14	17	Organized Crime
21	8	18	Justification of Prostitution
22	4	2	Provincial Legislation

TABLE 7 Sources of Comment
Frequencies In Articles
on Prostitution Ranked for Each Year

<u>1978</u>			<u>1979</u>		
1.	Police	28	1.	Police	24
2.	Journalist	21	2.	Adult Prostitute	13
3.	Mun. Councillor	19	3.	Judge	12
4.	Lawyer	1	4.	└ Fed. Legislator	└ 10
5.	Adult Prostitute	12		└ Lawyer	└ 10
6.	Fed. Legislator	11	5.	Journalist	7
7.	Judge	9	6.	Prov. Legislator	5
8.	Prov. Legislator	7	7.	Mun. Councillor	4
9.	Business Group	5	8.	└ Women's Group	└ 3
10.	└ Residents' Group	└ 4		└ Support Group	└ 3
	└ Juvenile Prostitute	└ 4		└ Juvenile Prostitute	└ 3
11.	└ Religious Group	└ 3	9.	└ Business Group	└ 2
	└ Other Group	└ 3		└ Other Group	└ 2
12.	Women's Group	2		└ Customer	└ 2
13.	└ Support Group	└ 1	10.	Pimp	1
	└ Customer	└ 1	11.	└ Residents' Group	└ 0
14.	Legal Group	0		└ Legal Group	└ 0
15.	Pimp	0		└ Religious Group	└ 0
<u>1980</u>			<u>1981</u>		
1.	Judge	31	1.	Police	88
2.	Lawyer	27	2.	Lawyer	74
3.	Police	22	3.	Judge	56
4.	Mun.Councillor	18	4.	Journalist	46
5.	Journalist	17	5.	Mun.Councillor	37
6.	Adult Prostitute	16	6.	Adult Prostitute	25
7.	Support Group	13	7.	Prov.Legislator	20
8.	└ Business Group	└ 8	8.	Customer	13
	└ Juvenile Prostitute	└ 8	9.	└ Fed.Legislator	└ 12
9.	Fed. Legislator	6		└ Support Group	└ 12
10.	Women's Group	4	10.	Residents' Group	8
11.	└ Prov. Legislator	└ 3	11.	Pimp	6
	└ Pimp	└ 3	12.	└ Business Group	└ 4
12.	└ Other Group	└ 2		└ Other Group	└ 4
	└ Customer	└ 2		└ Juvenile Prostitute	└ 4
13.	└ Residents' Group	└ 1	13.	Legal Group	2
	└ Legal Group	└ 1	14.	└ Women's Group	└ 0
14.	Religious Group	0		└ Religious Group	└ 0

TABLE 7
Continued

1982		1983	
1.	Police 67	1.	Mun. Councillor 73
2.	Mun. Councillor 46	2.	Police 67
3.	Judge 37	3.	Journalist 51
4.	└ Fed. Legislator 34	4.	Fed. Legislator 49
	└ Lawyer 34	5.	Lawyer 24
	└ Journalist 34	6.	Adult Prostitute 23
5.	Adult Prostitute 18	7.	Judge 18
6.	Support Group 11	8.	Residents' Group 15
7.	Residents' Group 10	9.	Prov. Legislator 13
8.	Prov. Legislator 9	10.	Support Group 11
9.	Women's Group 7	11.	Juvenile Prostitute 10
10.	Customer 5	12.	└ Women's Group 9
11.	Juvenile Prostitute 4		└ Business Group 9
12.	└ Other Group 3	13.	Other Group 8
	└ Pimp 3	14.	Religious Group 5
13.	Business Group 2	15.	Pimps 3
14.	└ Legal Group 1	16.	└ Legal Group 2
	└ Religious Group 1		└ Religious Group 2

TABLE 8 Sources of Comment Frequencies
in Articles on Prostitution Ranked
for the Study Period, 1978 - 83

Police	296
Municipal Councillor	197
Lawyers	187
Journalist	176
Judges	163
Federal Legislator	122
Adult Prostitute	107
Provincial Legislator	57
Support Group	51
Residential Group	38
Juvenile Prostitutes	33
Business Group	30
Women's Group	25
Customer	25
Other Group	22
Pimp	16
Religious Group	9
Legal Group	6

INFORMATION ON SAMPLE STUDIED FOR OPINION

These are the predominant positions and arguments in the sample and they are presented according to their frequency, going from most to least, and according to the sources that express them most.

The figure for the position itself is based upon its share of the overall expression of opinion in the sample; the figure for the source of the position is based upon the particular source's share among all the sources expressing the same position.

1. Action by the Federal Government is necessary. Court rulings on city bylaws have shown time and again that the responsibility for legislating in prostitution falls on it.

This position is expressed 28.6% of the time that opinions are expressed. It is expressed predominantly by Supreme Court judges, 22.2%, mayors 18.51%, journalists, 18.51%, and lawyers, 14.81%.

2. If there is no stricter definition of soliciting, the law cannot be enforced. Arrests, although sometimes a problem, are often possible, but convictions are problematic. Ever since the Supreme Court of Canada ruled in 1978 that soliciting had to be clearly pressing and persistent, soliciting has become a quandary.

This position is expressed 15.4% of the time that opinions are expressed. It is expressed predominantly by the police, 47%.

3. City bylaws on nuisance in public places and interfering with the normal functioning of others are the place to regulate prostitution. Nuisance laws are not particular to prostitution and in this way prostitution and prostitutes would not be singled out since prostitution is legal.

This position is expressed 13.2% of the time that opinions are expressed. It is expressed predominantly by the police, 35.7%.

4. Customer's names should be disclosed and soliciting charges should also be applied to them. This will help control and is more fair. The Criminal Code should incorporate this measure.

This position is expressed 12.1% of the time that opinions are expressed. It is expressed predominantly by Federal legislators, 45.4%.

5. Licensing of prostitutes or the creation of "red light" districts can perhaps control the problem but the public may not accept them because they imply the state's participation in prostitution.

This position is expressed 7.7% of the time that opinions are expressed. It is expressed predominantly by city councillors, 57.1%.

6. If prostitution is legal in this country, does it make sense for soliciting to be illegal? If one is allowed to have a trade, it does not make sense to make furthering it an offence.

This position is expressed 6.6% of the time that opinions are expressed. It is expressed predominantly by representatives of the National Association for Women and the Law and the National Action Committee on the Status of Women, 50%.

7. Make soliciting an offence in itself. State that it is not necessary for it to be pressing and persistent to be an offence.

This position is expressed 6.6% of the time that opinions are expressed. It is expressed predominantly by federal legislators, 66.6%.

8. Legislators should tread carefully with measures to prevent the buying and selling of sex. Fundamental freedoms can be endangered in the desire for efficient control.

This position is expressed 4.4% of the time that opinions are expressed. It is expressed predominantly by lawyers, 50%.

9. The Criminal Code must have "pressing and persistent" in it. As long as prostitution is legal, it is only being a nuisance that should make the difference.

This position is expressed 3.3% of the time that opinions are expressed. It is expressed predominantly by representatives of the National Association for Women and the Law, 33.3%, journalists, 33.3%, and lawyers, 33.3%.

10. Prostitution should be fully decriminalized, with regulation of behaviour in public places being part of general, public conduct laws, rather than singling out prostitution.

This position is expressed 2.2% of the time that opinions are expressed. It is expressed predominantly by representatives of the National Association for Women and the Law and the National Action Committee on the Status of Women, 66.6%, and prostitutes, 33%.

Language

In English newspaper articles on prostitution there is a widespread use of one particular expression, "hooker", or "hookers", referring to prostitutes. Our sample shows that it is used predominantly by journalists, followed by police, and occasionally by mayors and by legislators. It is not, to the best of our knowledge of the sample, used by feminist women's groups, or by prostitutes, or, if it is and we missed it, it is extremely rare in the sample (please see Footnote¹ at bottom of this page).

It may be felt that to comment on an expression so widespread and so common as "hookers", which is almost "natural" in our society today, is to be picky and supercilious. Yet one cannot help but feel that there is a perfectly clear and agreed-upon expression, "prostitutes", which denotes the practice sufficiently by its dictionary definition. Nor is the fact of its lack of use by feminist women's groups to be taken lightly, for it clearly expresses a sensitivity to what this interpreter at least is willing to argue is a trivialization by attempted colourfulness of language, or a seeking of punch and slickness, at the expense of the persons to whom the expression refers, however unintentionally.

What is being said here regarding this expression, in other words, is that its use does not necessarily mean that its user is prejudiced against prostitutes, but, rather, that the effect, however unintentionally, results in trivialization and is propelled by it. For it would seem that the sign of a full acceptance of what people do is to call them by the most neutral name available, the one that simply denotes their practice. And if there is no such acceptance, then we might as well be told that explicitly, and we are most frequently not in such contexts.

Perhaps the clearest point about the meaning effect of "hooker", is that in it there is the assumption, however possibly untrue, that it is the prostitute who initiates the action, who goes for the customer, rather than, however much it may be the case, the other way round. It is the prostitute who does the "hooking", in this surely stereotyped version. Again, it is not a question of writers using such an expression with the full and deliberate knowledge of its effect. Rather, precisely what matters is its uncritical currency. Nor is it the kind of expression that can be dissolved by interpretative argument as to what it really means and the contingency of that upon who interprets. Its meaning effect is that the action

¹ Prostitutes have been known to refer to themselves as "hookers". The point we are making, however, is a larger one. People can use expressions in relation to themselves due to influence or uncritical compliance with predominant meaning effects. The important question is simply one of whether or not there is trivialization by use of the expression, frequent as it most certainly is in the newspapers, particularly in titles to articles, and by whom it is used most frequently.

is initiated from one source, the prostitute. The arrow of meaning goes only in one way.

The sample from French articles showed no expression of similar frequency. Occasionally, however, "Fille de joie", and "Fille de nuit", is used.

Although occurring only once in the sample, it seems worth citing "kiddie-hooker", an enterprising attempt to combine "hooker" with the "kiddie" from the rather current "kiddieporn", used by distributors and taken over by the newspapers' writers, although sometimes in quotation marks, acknowledging its posturing, in articles on pornography.

Given the seriousness with which much of society and the coverage take juvenile prostitution, it seems that "kiddiehooker" is really ill-advised. One can see that it can be used quite innocently, but the point is that such word spinning works against the seriousness of the issue.

It must be added that, as mentioned earlier, such expressions can be found most frequently in titles. We do not know if the person who writes an article always writes the title. The point is that this is what is in the product.

PORNOGRAPHY

Table 9 gives the total number of articles for each year of the study period.

Table 10 gives the number of articles in each newspaper included in the study.

Table 11 gives the number of articles in each newspaper for each year and month.

Table 12 gives the number of articles per geographic context ranked for each year.

Table 13 gives topic frequencies ranked for each year.

Table 14 gives topic frequencies ranked for the study period.

Table 15 gives frequencies for sources of comment quoted or reported ranked for each year.

Table 16 gives frequencies for sources of comment quoted or reported ranked for the entire study period.

Findings

1978

This year is the third highest of the study period in overall coverage. Except for two newspapers, the Calgary Herald and Le Devoir, the figures do not show considerable variance in overall coverage for the newspapers studied. Although a common denominator category, the prominence of Canada in General (Table 12) as a context of coverage is significant, particularly as it is with a considerable margin. This is a reflection of the fact that the major "event" of the year is the ongoing discussion as to amendments to the Criminal Code. As the Chronology shows, early in the year, the Federal Justice Minister had proposed amendments that would strengthen the laws on child pornography. At the same time, however, he had refrained from tightening the definition of obscenity, the problematic phrase being "undue use of explicit sex", saying that a definition of obscenity was a slippery question. There is ongoing coverage of the discussions, meetings and progress or lack thereof on this issue.

There is little concentration of coverage in a particular time period, except slightly in the case of the Toronto Star in February and La Presse in May. In both cases the substance of coverage is discussion of the question of amendments to the criminal code. The Justice Minister, in refraining from tightening the definition of obscenity, had urged the Provincial Attorneys General to enforce existing obscenity laws more stringently, and the Commons Justice Committee had recommended that the definition of obscenity be extended to include "undue" use of violence or degradation. Much of the coverage has to do with the problematic nature of such measures and with what is seen as an evasion of the problem by the responsible federal authorities.

It is for the reasons mentioned above that federal legislation in particular, followed closely by definition of pornography, is the most frequently occurring topic. Juvenile pornography is also in a leading position because of the Minister's proposals and the discussion of cracking down on child pornography.

The most frequently occurring topics (Table 13) next to those mentioned above, are the psychological effects of pornography, court cases, the economics of pornography, pornography in general, and the question of censorship and its relation to civil liberties. In other words, there is a mixture, in the most frequently discussed topics, of legislative, social, legal, economic and political questions.

The most frequently quoted sources of comment (Table 15) are legislative, legal, law-enforcing officials and professionals, along with journalists, distributors and religious groups. Police figure prominently because they were active in discussions with the Commons Justice Committee.

1978

Continued

The least frequently occurring topics are municipal legislation, government level responsibility for legislation, arrests, and pornography as covered by the media.

The least frequently quoted or reported sources of comment are residents' groups, pornography actors and customers.

1979

This year is the lowest of the study period in overall coverage. It is reasonable to assume that this is behind the fact that the most frequently occurring context of coverage is not in Canada. Figures for the newspapers (Table 11) do not show differences enough to single out any for prominence.

The most frequently occurring topics are definition of pornography, licensing, and pornography in general. Definition of pornography is leading, because of discussions of the Criminal Code as well as the taking place of conferences and discussions on pornography as such (see Chronology). Licensing has gained in frequency and is equally high because of the bylaw passed in Hamilton, Ontario, requiring stores that sell erotic magazines to obtain a special license for doing so.

Next to those mentioned above, the most frequently occurring topics include juvenile pornography, municipal legislation, federal legislation, and the psychological effects of pornography.

The most frequently quoted or reported sources of comment are journalists and women's groups, followed by police, municipal councillors, distributors, support groups, other groups, and lawyers. Women's groups have gained in frequency, relative to the previous year and to the small overall coverage of this year, probably on account of the Québec Federation of Women's discussions with the Québec Justice Minister calling on him to make illegal all distribution of pornographic material to minors.

The least frequently occurring topics are raids, court cases, and licensing and civil liberties. Court cases have dropped from the previous year's frequency.

The least frequently quoted or reported sources of comment are provincial legislators, judges, regulatory authorities, residents', business, legal and religious groups, pornography makers, actors and customers - essentially the same as the previous year, except for judges, pornography makers and regulatory authorities, who have lost in frequency, and the absence of women's groups, who have gained.

1980

This is the fifth highest year of the study period in overall coverage. It is characterized by the prominence of La Presse among the newspapers studied. This has to do with a series of articles in February on the question of classifying films and licensing particular film theatres as a way of dealing with problems of censorship, freedom of expression, and taste variation. The articles are features on the subject and are related to a discussion of these questions in Québec rather than to a particular event.

Ontario is the highest geographic context of coverage. Most of the coverage has to do with the Hamilton bylaw of the previous year being challenged by variety store owners.

The most frequently occurring topics are court cases, licensing, psychological effects, pornography in general, seizure of material, censorship, the economics of pornography, and the activity of pressure groups. In other words, there is a mixture of legislative, legal, law-enforcing, economic, and social issues. Definition of pornography has lost the high place it held the previous year and so have juvenile pornography, municipal and federal legislation. Court cases have gained from the previous year and exceeded the year before that.

The most frequently quoted or reported sources of comment are legal, law-enforcing and regulatory professionals, along with journalists and pornography distributors. Women's groups have lost in frequency from the previous year, possibly because the most active group in the coverage this year was a parents' group in Ontario fighting pornography, and who make up the other group appearing in the seventh place.

The least frequently occurring topics are provincial legislation, government levels and legislation, and pornography as covered by the media.

The least frequently quoted or reported sources of comment are business, legal and religious groups. Customers have gained slightly in frequency, at least enough to leave their last place of the previous two years.

1981

This is the fourth highest year of the study period in overall coverage. The Globe and Mail and La Presse have the most intense coverage. The Globe's is spread nationally and internationally, but La Presse's coverage is concentrated in Québec. In fact, thirteen of the seventeen articles in La Presse for the last three months of the year are about events in Québec. So, too, are five of Le Devoir's six articles. Much of this coverage concerns the scandal of alleged making of pornographic films within, and using the equipment of, the National Assembly. Also important in Québec this year is the Québec Federation of Women's activeness against

1981

Continued

the spreading use of children for the production of pornographic material and the Quebec Council for the Status of Women's lobbying against the creation of a special category of film theatre for the showing of pornographic films.

Some of the Globe's coverage is on Ontario, where the leading event is the banning of the National Film Board's Not a Love Story, a film about pornography. But the Toronto Star gives more coverage and follow-up to this particular story.

In Québec as well, which gets the biggest share of coverage this year, a pornographic ring is discovered and a distributing company is searched for pornographic material (See Chronology for all events mentioned).

The most frequently occurring topics this year are pornography in general, juvenile pornography, court cases, the psychological effects of pornography, censorship and civil liberties, the images of women, and the economics of pornography. Again, one finds a mixture of legal, social, political and economic questions in the leading frequencies. This year and the last are notable for the absence in their highest frequencies of topics having to do with legislation.

The most frequently quoted or reported sources of comment are provincial legislators, journalists, police, women's groups and distributors of pornography. Provincial legislators appear frequently, probably because of the scandal in Québec. Women's groups have increased in frequency from last year, relative to the size of the coverage.

The least frequently occurring topics are the three levels of legislation, government levels and the responsibility for legislation, and licensing and civil liberties. This is the lowest year for federal legislation.

The least frequently quoted or reported sources of comment are municipal councillors, residents', business, legal and religious groups, pornography actors and customers - essentially the same as the previous year, except for the presence of municipal councillors, who lost their relatively higher frequency of a year ago.

1982

It is in 1982 that the first dramatic increase in overall coverage of pornography occurs. The second highest year of the study period, it is marked by the prominence of British Columbia and the Vancouver Sun, which are not usually the leaders in pornography coverage. They are followed by Canada in general and Québec, as contexts, and by La Presse and the Globe.

1982

Continued

There is no question that the high point of the year's coverage is November, when three Red Hot Video outlets were firebombed in Vancouver by the group calling itself the "Wimmin's Fire Brigade". This is the coverage event of the year and it accounts for the Vancouver Sun's high figure for November.

La Presse's coverage is concentrated in Québec. Eighteen of its twenty-nine articles for the first six months of the year are about the production of pornography in Québec, a series of reportages entitled "L'Industrie du Sex au Québec", in which many facets of the industry and its economics are examined. This does not appear in the Chronology because it does not correspond to any particular occurrence but the articles appear in our sample for opinion study. This series of articles is also behind the high coverage for Québec this year.

In Ontario, the issue of censorship, because of the banning of Not a Love Story, is still behind some of the coverage, and this has to do in part with the film being in high demand for private screenings.

The event of coverage that is second to the Red Hot Video affair revolves around the Commons Justice Committee and the impatience of the Justice Minister with MP's for his perception of them as not really wanting to deal with the issue of child pornography. The discussions as to whether or not to introduce amendments to the Criminal Code regarding pornography also figure prominently. Both these questions receive coverage nationally.

Much of the Globe and Mail's coverage is national and international but two topics in particular receive some concentration: the discussions in the Commons Justice Committee and juvenile pornography.

The most frequently occurring topics are essentially the same, except that the activity of pressure groups is now in highest frequency, probably because of the Vancouver bombings. Federal legislation has regained its high frequency, because of the discussions in the Commons Justice Committee, as has, relatively, definition of pornography, which had dropped in the last two years.

The most frequently quoted or reported sources of comment are now led by pornography distributors and women's groups, probably, again, because of the Vancouver bombings. Federal legislators have regained some of their high frequency, probably, again, because of the Commons Justice Committee discussions.

The least frequently occurring topics are justification of pornography, licensing and civil liberties, and pornography as covered by the media.

The least frequently quoted or reported sources of comment are essentially the same: residents', religious, legal and business groups, and customers.

1983

The second dramatic increase occurs this year. The highest year, overall coverage has more than doubled again. Almost all the newspapers studied show considerably increased coverage. There are a number of important events behind this. They will be presented by newspaper and relevant geographic context. The high points are the following:

The Vancouver Sun, June

The conviction of Red Hot Video Ltd. on three counts of possession of obscene material at the end of May, and the company's appeal of the conviction in June, receive intense coverage in themselves or trigger discussion around the issues.

The Winnipeg Free Press, November

The coverage is a combination of local and national news. Locally, one Winnipeg video outlet was raided by police for suspicion of carrying obscene material. Nationally, the B.C. court ruling in the Red Hot Video case is covered and there is some discussion of its possible effects on local dealers in Winnipeg. The activity of women against Playboy's contract with First Choice, the pay-TV channel, and their pressure on the CRTC, is covered.

The Toronto Star, May and November

Toronto's bylaw, which was proposed in February, largely explaining the high coverage there as well, and which was passed in March, requiring retailers to obtain special licenses for carrying and displaying erotic magazines, is strengthened by City Council in May (see Chronology) and, later the same month, causes retailers to decide on a stand against it expressed in their decision to challenge it in the Supreme Court of Ontario. Coverage contains discussion of the situation in Ontario and the size of the industry there.

In November, the coverage is general in nature to the extent that it discusses the pornography scene in Ontario. The obscenity trial in Ontario in late October and early November, in which two companies were convicted, was considered, according to the Star, to be a test case with national implications as far as guidelines for what is permissible are concerned (see Chronology).

The Globe and Mail, January, March and May

In January, the coverage is varied and national, although there is some concentration on the protests against pornography on pay-TV and the attempts by women's groups to pressure the CRTC. There is also some concentration on the situation in Ontario discussed in the case of the Star.

1983

Continued

In March there is mainly discussion of the same situation in Ontario and also of the question of amendments to the Criminal Code regarding pornography.

In May, there is coverage mainly of the Ontario situation, revolving around Toronto City Council's bylaw, the need for amendments to the Criminal Code regarding pornography, and the effects of court decisions in British Columbia. There are also features on the use of juveniles in the production of pornographic films and the violence against women in such films.

La Presse, January, April, October - November

In January, the coverage is concentrated on the issue of pay-TV and on the protests against it by women's and citizens' groups in Québec. This is the year in which pay-TV assumes major importance as an issue in Québec.

In April, there is some concentration on the question of the classification of films, and the pressure by women's groups, and the Québec Minister Responsible for the Status of Women, to have the classification law modified so that it is more strict or so that films are judged by a board representative of concerned citizen's groups.

In October and November there is some concentration on the unanimous condemnation by Montreal City Council of publicly displayed "pornographic" posters in Montreal. There had been coverage of citizen's pressure groups protesting such displays. Otherwise the coverage is national and varied.

The Halifax Chronicle Herald, January

Most of the coverage is on the issue of pornographic films on pay-TV, and on protests against it in Nova Scotia by women's groups, as well as on protests against it nationally.

It can be seen from the above why the activity of pressure groups is the highest frequency topic this year, and by a considerable margin. The legislative and legal events of the Chronology, as well as the discussion above, show why Ontario is the leading context provincially.

Although usually high, the psychological effects of pornography is the second highest frequency this year, second only to the activity of pressure groups and possibly linked to it to the extent that psychological effects, such as induced violence, are claimed, by some of those who are opposed to pornography, as among its results. The leading topic frequencies are essentially the same as the previous year, except that juvenile pornography has lost its high place. However, a mixture of legislative, legal, social

1983

Continued

and political questions make up the high frequencies. Relative to the size of this year's coverage, the economics of pornography has lost in frequency somewhat.

The most frequently quoted or reported sources of comment are journalists, women's groups, federal legislators, distributors of pornography, municipal councillors, provincial legislators and police. This is the lowest year for police, possibly because much of the coverage is oriented to citizens' activity.

The least frequently occurring topics are arrests, licensing and civil liberties, and justification of pornography.

The least frequently quoted or reported sources of comment are pornography makers, actors and customers.

In the coverage on pornography, unlike on prostitution, there seems to be a mixture of prominent topics; legislative and legal questions share the high frequencies with social and political issues and, perhaps more importantly, with topics on pornography itself and its effects. And the "problem" is perceived not so much as a nuisance, as prostitution seems to be, as in the nature of a social ill.

The prominence of the activity of pressure groups, and of the problem of defining obscenity, linked as they are to both a call and resistance to federal legislation, linked as this is to the issue of censorship, and linked as are the claims of some pressure groups, notably women, to the question of negative psychological effects, make up the high frequencies of pornography coverage (Table 14).

The activity of pressure groups, notably women's, as we have shown in the year-by-year discussion, gains in frequency in the later years, although it is significantly present in the earlier ones as well.

The most frequent sources of comment make a mixture similar to that of the topics. After journalists, who are the authors of editorials and occasional commentators in news articles, and thus necessarily prominent, pornography distributors and women's groups are the leaders. This is in part due to the increase in women's groups' activity against pornography in later years, and the defence by distributors of their business activities.

Legislators, legal and law-enforcing professionals are frequent sources in the coverage, but two groups of citizens, aside from the journalists, are leading them. So that it is reasonable to assume that the issue of pornography, and particularly in the last year, where the number of articles is the highest by about one hundred than the highest year of prostitution coverage, and by about two hundred than that of the highest year before in pornography coverage, has been made acute primarily by the initiative of citizen pressure, rather than primarily by legislators, law enforcers and legal professionals. In the earlier years, it must be said, however, it was these latter sources who were most prominent. But then the difference in the extent of coverage between the earlier and later years tips the balance on the side of citizen pressure.

Coverage by geographic context depends on where the major events are taking place, as does the topic coverage of the newspapers. Topic intensities in newspapers depend on the nature of events in the newspaper's region.

Customers do not seem to receive much coverage. This may perhaps be because they do not like to be approached on the subject. It may also be because they are not sought out.

The data of the sample for the positions and arguments supporting them show the distribution of sources and opinions. Women's groups figure prominently, both in terms of the presence of the opinion they express and in terms of their share in its expression. With distributors the matter is somewhat different because they have not expressed mainly one position. Sometimes they have said that if they had known what exactly was permissible and what wasn't, they would have had an easier time with their business and the law. At other times they have advanced the idea of the threat to freedom of expression and access in relation to the call for a tight definition of obscenity. That is why we find them in opinions two and five. Their presence is also affected by that of other sources sharing their positions in considerable measure.

As is discussed in the section on language, we judge the frequent use of an expression such as "kiddieporn", even when in quotation marks, to contribute, however unintentionally, to a trivialization of a serious question.

TABLE 9 Number of Articles on Pornography by Year

1978 :	81
1979 :	34
1980 :	56
1981 :	72
1982 :	154
1983 :	<u>354</u>
Total	751

TABLE 10 Number of Articles on Pornography in Each Newspaper

The Vancouver Sun:	95
The Calgary Herald:	26
The Winnipeg Free Press:	78
The Toronto Star:	120
The Globe and Mail:	175
La Presse:	177
Le Devoir:	26
The Halifax Chronicle Herald:	<u>54</u>
Total	751

TABLE 11 Number of Articles on Pornography
in Each Newspaper for Each Year and Month

1978													Totals
	J	F	M	A	M	J	J	A	S	O	N	D	
Vancouver Sun	1	-	1	2	3	-	-	2	1	-	-	-	10
Calgary Herald	-	1	1	-	-	-	-	-	-	-	-	-	2
Winnipeg Free Press	2	1	2	3	2	1	2	2	-	-	-	-	15
Toronto Star	1	6	1	1	4	-	-	-	-	-	-	-	13
Globe & Mail	2	3	2	-	2	-	1	-	1	1	-	-	12
La Presse	-	-	-	-	6	-	2	1	-	2	3	1	15
Le Devoir	-	-	-	1	1	-	-	-	1	-	1	-	4
Halifax Chron. Herald	-	1	-	1	2	1	-	4	-	1	-	-	10

TABLE 11
Continued

	1980												Totals
	J	F	M	A	M	J	J	A	S	O	N	D	
Vancouver Sun	-	-	-	-	3	-	-	-	-	3	1	-	7
Calgary Herald	1	-	-	-	2	-	-	1	-	-	-	-	4
Winnipeg Free Press	-	-	1	1	-	1	1	-	1	2	1	-	8
Toronto Star	-	1	-	-	-	-	-	-	-	-	-	-	1
Globe & Mail	1	1	-	-	2	-	1	2	2	1	1	-	11
La Presse	1	6	2	2	1	1	1	1	-	-	2	2	19
Le Devoir	-	-	-	-	2	-	-	-	-	-	-	-	2
Halifax Chron.Herald	-	-	-	-	-	2	-	-	-	-	3	1	6

TABLE 11
Continued

[illegible]

TABLE 11
Continued

	1982												Totals
	J	F	M	A	M	J	J	A	S	O	N	D	
Vancouver Sun	1	-	2	2	1	5	-	2	1	5	10	4	33
Calgary Herald	-	-	-	4	-	-	1	-	1	-	-	-	6
Winnipeg Free Press	-	1	2	-	-	-	2	-	-	3	1	1	10
Toronto Star	1	2	2	2	1	1	2	1	1	1	-	1	15
Globe & Mail	3	1	2	-	5	2	6	4	2	3	1	4	33
La Presse	-	6	13	1	3	6	2	5	1	1	-	6	44
Le Devoir	1	-	1	-	-	-	2	1	-	-	-	-	5
Halifax Chron.Herald	-	1	1	-	-	3	2	-	-	-	1	-	8

TABLE 11
Continued

1983													Totals
J	F	M	A	M	J	J	A	S	O	N	D		
Vancouver Sun	9	3	2	5	6	10	1	-	2	1	3	2	44
Calgary Herald	-	-	3	-	2	1	-	1	3	-	-	2	12
Winnipeg Free Press	4	-	1	-	1	4	-	-	1	8	10	3	32
Toronto Star	5	9	5	8	10	4	4	6	6	4	10	4	75
Globe & Mail	18	4	12	7	12	5	8	3	4	10	8	21	93
La Presse	11	4	3	8	5	7	-	7	3	8	8	51	69
Le Devoir	-	2	1	-	-	-	-	-	-	-	2	1	6
Halifax Chron. Herald	7	-	3	1	1	1	2	2	-	1	3	2	23

TABLE 12 Number of Articles on Pornography
per Geographic Context
Ranked for Each Year

<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>
Canada Gen. 33	Other 13	Ont. 12	Qué. 37	B.C. 45	Ont. 102
Ont. 15	Ont. 8	U.S. 10	Other 12	Canada Gen. 36	Canada Gen. 98
U.S. 13	B.C. 5	Qué. 9	Ont. 9	Qué. 30	B.C. 60
Qué. 6	Canada Gen. 5	Man. 8	U.S. 6	Ont. 19	Qué. 44
B.C. 6	Qué. 4	Mari- times 6	Canada Gen. 4	U.S. 13	Man. 21
Man. 5	Alta. 2	Canada Gen. 5	Alta. 2	Other 9	Other 18
Other 5	Maritimes & Nfld. 1	B.C. 4	Maritimes & Nfld. 2	Alta. 7	U.S. 17
Maritimes & Nfld. 2	Sask. -	Alta. 4	B.C. 1	Man. 3	Alta. 10
Alta. -	Man. -	Other 2	Sask. 1	Maritimes & Nfld. 3	Maritimes & Nfld. 10
Sask. -	U.S. -	Sask. -	Man. 1	Sask. -	Sask. -

TABLE 13 Pornography Topic Frequencies
Ranked for Each Year

<u>1978</u>			
<u>Rank</u>	<u>Frequency</u>	<u>Code</u>	<u>Topic</u>
1	31	31	Federal Legislation
2	29	36	Definition of Pornography
3	26	48	Juvenile
4	17	46	Psychological Effects
5	12	40	Court Case
	12	50	Economics of Pornography
	12	52	General
6	10	43	Censorship & Civil Liberties
7	9	38	Seizure of Material
	9	42	Censorship
8	5	41	Court Decision
	5	49	Justification of Pornography
9	4	44	Licensing
	4	51	Activity of Pressure Groups
	4	47	Pornography & Images of Women
10	3	32	Provincial Legislature
	3	35	Legislation & Law Enforcement
11	2	37	Raids
	2	45	Licensing & Civil Liberties
12	1	33	Municipal Legislation
13	0	34	Gv. Levels & Legislation
	0	39	Arrests
	0	53	Pornography as covered by the Media

TABLE 13
Continued

<u>1979</u>			
<u>Rank</u>	<u>Frequency</u>	<u>Code</u>	<u>Topic</u>
1	8	36	Definition of Pornography
	8	44	Licensing
	8	52	General
2	7	48	Juvenile
3	5	33	Municipal Legislation
	5	42	Censorship
4	4	31	Federal Legislation
	4	46	Psychological Effects
	4	51	Activity of Pressure Groups
5	3	47	Pornography & Images of Women
	3	50	Economics of Pornography
6	2	38	Seizure of Material
	2	43	Censorship of Civil Liberties
	2	41	Court Decision
7	1	32	Provincial Legislation
	1	35	Legislation & Law Enforcement
	1	39	Arrests
	1	49	Justification of Pornography
	1	53	Pornography as Covered by the Media
8	0	34	Gv. Levels & Legislation
	0	37	Raids
	0	40	Court Case
	0	45	Licensing & Civil Liberties

TABLE 13
Continued

<u>1980</u>			
<u>Rank</u>	<u>Frequency</u>	<u>Code</u>	<u>Topic</u>
1	20	40	Court Case
2	12	44	Licensing
3	8	46	Psychological Effects
	8	52	General
4	6	38	Seizure of Materials
	6	42	Censorship
	6	50	Economics of Pornography
	6	51	Activity of Pressure Groups
5	5	37	Raids
	5	48	Juvenile
6	4	41	Court Decision
7	3	31	Federal Legislation
	3	36	Definition of Pornography
8	2	33	Municipal Legislation
	2	45	Licensing & Civil Liberties
9	1	35	Legislation & Law Enforcement
	1	39	Arrests
	1	43	Censorship & Civil Liberties
	1	47	Pornography & Images of Women
	1	49	Justification of Pornography
10	0	32	Provincial Legislation
	0	34	Gv. Levels & Legislation
	0	53	Pornography as Covered by the Media

TABLE 13
Continued

<u>1981</u>			
<u>Rank</u>	<u>Frequency</u>	<u>Code</u>	<u>Topic</u>
1	44	52	General
2	15	48	Juvenile
3	9	40	Court Case
	9	46	Psychological Effects
4	6	42	Censorship
	6	43	Censorship & Civil Liberties
	6	47	Pornography & Images of Women
	6	50	Economics of Pornography
	6	51	Activity of Pressure Groups
5	4	38	Seizure of Material
	4	41	Court Decision
6	3	37	Raids
	3	53	Pornography as covered by the Media
7	2	35	Legislation & Law Enforcement
	2	36	Definition of Pornography
	2	44	Licensing
8	1	39	Arrests
	1	49	Justification of Pornography
9	0	31	Federal Legislation
	0	32	Provincial Legislation
	0	33	Municipal Legislation
	0	34	Gov. Levels & Legislation
	0	45	Licensing & Civil Liberties

TABLE 13
Continued

<u>1982</u>			
<u>Rank</u>	<u>Frequency</u>	<u>Code</u>	<u>Topic</u>
1	41	51	Activity of Pressure Groups
	41	52	General
2	33	31	Federal Legislation
	33	48	Juvenile
3	29	36	Definition of Pornography
4	26	46	Psychological Effects
5	25	42	Censorship
6	23	47	Pornography & Images of Women
7	22	50	Economics of Pornography
8	16	38	Seizure of Material
9	15	33	Municipal Legislation
10	10	43	Censorship & Civil Liberties
11	9	32	Provincial Legislation
	9	37	Raids
	9	40	Court Case
	7	34	Gv. Levels & Legislation
12	7	41	Court Decision
	7	44	Licensing
	4	35	Legislation & Law Enforcement
	4	39	Arrests
13	4	35	Legislation & Law Enforcement
14	2	49	Justification of Pornography
15	1	45	Licensing & Civil Liberties
16	0	53	Pornography as covered by the Media

TABLE 13
Continued

<u>1983</u>			
<u>Rank</u>	<u>Frequency</u>	<u>Code</u>	<u>Topic</u>
1	95	51	Activity of Pressure Groups
2	67	46	Psychological Effects
3	66	52	General
4	65	31	Federal Legislation
5	64	36	Definition of Pornography
6	58	43	Censorship & Civil Liberties
7	56	42	Censorship
8	54	47	Pornography & Images of Women
9	51	44	Licensing
10	44	40	Court Case
11	38	41	Court Decision
12	29	33	Municipal Legislation
13	26	38	Seizure of Material
14	25	32	Provincial Legislation
15	20	48	Juvenile
	20	50	Economics of Pornography
16	18	34	Gov. Levels & Legislation
17	14	37	Raids
	14	53	Pornography as covered by the Media
18	13	35	Legislation & Law Enforcement
19	11	39	Arrests
20	10	45	Licensing & Civil Liberties
21	8	49	Justification of Pornography

TABLE 14 Pornography Topic Frequencies
Ranked for the Study Period, 1978-83

<u>Rank</u>	<u>Frequency</u>	<u>Code</u>	<u>Topic</u>
1	179	52	General
2	156	51	Activity of Pressure Groups
3	136	31	Federal Legislation
4	135	36	Definition of Pornography
5	131	46	Psychological Effects
6	107	42	Censorship
7	106	48	Juvenile
8	94	40	Court Case
9	91	47	Pornography & Images of Women
10	87	43	Censorship & Civil Liberties
11	84	44	Licensing
12	69	50	Economics of Pornography
13	63	38	Seizure of Materials
14	60	41	Court Decision
15	52	33	Municipal Legislation
16	38	32	Provincial Legislation
17	33	37	Raids
18	25	34	Gov. Levels & Legislation
19	24	35	Legislation & Law Enforcement
20	18	53	Pornography as covered by the Media
	18	39	Arrests
	18	49	Justification of Pornography
21	15	45	Licensing & Civil Liberties

TABLE 15 Sources of Comment Frequencies in
Articles on Pornography Ranked for Each Year

1978			1979		
1.	Fed. Legislator	23	1.	Journalist	6
2.	Journalist	20	2.	Women's Group	5
3.	Police	16	3.	Police	4
4.	Lawyer	10		Mun. Councillor	4
5.	Prov. Legislator	7		Porno Distributor	4
	Porno Distributor	7	4.	Other Group	3
6.	Religious Group	5		Support Group	3
7.	Mun. Councillor	4	5.	Lawyer	2
	Porno Maker	4	6.	Fed. Legislator	1
8.	Judge	3	7.	Prov. Legislator	0
	Regulatory Auth.	3		Judge	0
	Other Group	3		Regulatory Auth.	0
	Support Group	3		Residents' Group	0
9.	Women's Group	2		Business Group	0
10.	Business Group	1		Legal Group	0
	Legal Group	1		Religious Group	0
11.	Residents' Group	0		Porno Maker	0
	Porno Actor	0		Porno Actor	0
	Customer	0		Customer	0

1980			1981		
1.	Lawyer	16	1.	Prov. Legislator	36
2.	Police	13	2.	Journalist	19
3.	Journalist	12	3.	Police	7
4.	Judge	11	4.	Women's Group	5
5.	Porno Distributor	8		Porno Distributor	5
6.	Regulatory Auth.	5	5.	Judge	4
7.	Mun. Councillor	3		Regulatory Auth.	4
	Other Group	3	6.	Lawyer	3
	Support Group	3	7.	Fed. Legislator	2
8.	Prov. Legislator	2		Porno Maker	2
	Fed. Legislator	2	8.	Other Group	1
	Women's Group	2		Support Group	1
	Porno Maker	2	9.	Mun. Councillor	0
	Customer	2		Residents' Group	0
9.	Residents' Group	1		Business Group	0
	Porno Actor	1		Legal Group	0
10.	Business Group	0		Religious Group	0
	Legal Group	0		Porno Actor	0
	Religious Group	0		Customer	0

TABLE 15
Continued

1982			1983		
1.	Porno Distributor	45	1.	Journalist	78
2.	Women's Group	37	2.	Women's Group	62
3.	Police	30	3.	Fed. Legislator	54
4.	Fed. Legislator	29	4.	Porno Distributor	53
5.	Journalist	28	5.	Mun. Councillor	44
6.	Lawyer	20	6.	Prov. Legislator	43
7.	Mun. Councillor	17	7.	Police	37
8.	Prov. Legislator	15	8.	Judge	34
9.	Regulatory Auth.	7		Lawyer	34
	└ Porno Maker	7	9.	Regulatory Auth.	30
10.	└ Other Group	6	10.	└ Other Group	16
	└ Support Group	6		└ Support Group	16
11.	Judge	5	11.	Religious Group	9
12.	Porno Actor	4	12.	Business Group	8
13.	Resident's Group	3	13.	Residents' Group	6
	└ Religious Group	3	14.	└ Porno Maker	4
	└ Customer	3		└ Porno Actor	4
14.	Business Group	2	15.	Customer	3
15.	Legal Group	1	16.	Legal Group	0

TABLE 16 Sources of Comment Frequencies
in Articles on Pornography Ranked
For the Study Period, 1978 - 83

Journalist	163
Porno Distributor	122
Women's Group	113
Federal Legislator	111
Police	107
Provincial Legislator	103
Lawyer	85
Judge	57
Municipal Councillor	56
Regulatory Authority	49
Other Group	32
Support Group	32
Porno Maker	19
Religious Group	17
Business Group	11
Residents' Group	10
Porno Actor	9
Customer	8
Legal Group	2

INFORMATION ON SAMPLE STUDIED FOR OPINION

These are the predominant positions and arguments in the sample and they are presented according to their frequency, going from most to least, and according to the sources that express them most.

The figure for the position itself is based upon its share of the overall expression of opinion in the sample; the figure for the source of the position is based upon the particular source's share among all the sources expressing the same position.

1. There is a good deal of male-centred stereotyping in pornographic material. Images of women as masochistic, where violence is used, and "wanting it", are false and degrading. They propagate such false ideas and very probably bear a relationship to violence and rape.

This position is expressed 27.3% of the time that opinions are expressed. It is expressed predominantly by women's pressure groups, 46.1%.

2. There is a need for a redefinition of obscenity. A more clear definition is badly needed, one that would enable law enforcement and conviction. Unless society wants to leave the matter open, law enforcement must be more clearly based.

This position is expressed 26% of the time that opinions are expressed. It is expressed predominantly by provincial legislators, 27.3%, lawyers, 22.7%, distributors, 14%.

3. Child pornography must, quite simply, be stamped out. Given that minors are not legally held fully responsible, their exploitation is an outrage.

This position is expressed 16.9% of the time that opinions are expressed. It is expressed predominantly by federal legislators, 85.7%.

4. Degradation should be seen as negative not only because of reinforcing stereotypes of women, but also, and perhaps more importantly, because it runs counter to and offends social values that are fundamental to a pluralist, democratic and egalitarian society. The concept of obscenity must therefore be freed from its sexual association and linked to a wider perspective of human degradation and human rights.

This position is expressed 14.3% of the time that opinions are expressed. It is expressed predominantly by federal legislators, 41.7%.

5. In a matter so highly interpretative as obscenity, where there are many conflicting values and perceptions, tight definition, in the desire for clarity, can be repressive. Attempting to eliminate vagueness can endanger freedom.

This position is expressed 10.4% of the time that opinions are expressed. It is expressed predominantly by federal legislators, 40%, and by representatives of book and periodical distributors associations, 30%.

6. So-called soft-porn can in fact be more dangerous than so-called hard-core. The element of playfulness and soft pleasure functions insidiously to further the same male-centred stereotyping of women mentioned in (1). Playboy is really as bad as hard-core.

This position is expressed 5.2% of the time that opinions are expressed. It is expressed predominantly by anti-pornography pressure groups, 75%.

Language

The rather frequent use of a particular expression "kiddie-porn", although sometimes in quotation marks, acknowledging the label sometimes given to the product, still seems to result in colourfulness at the expense of the seriousness of the subject. It is used primarily in the titles of articles. There is no firm direction of meaning in this expression, as there was with "hooker" in the case of prostitution, but one feels that it carries an indulgent sensuality, especially if one thinks of it as a product label aimed at a consumer. There is no suggestion here that newspaper writers use it in this way. Simply that in using it for its quality of catchiness, the seriousness of the subject can be undermined. This however must be acknowledged as an interpretation which cannot be as firmly established as that in the case of "hooker", for here there is no unequivocal direction of meaning.

CONCLUDING REMARKS

This study aimed to find what the topics that dominated the discussion of prostitution and pornography, if any, were. This is why it proceeded by means of a detailed coding, based not only on a collecting of articles on given topics but on a tracing of topics as they are raised in an article, however many they may be, as long as they were given more than cursory mention. The same was done for sources of comment, in an attempt to find who gets quoted, whose views are represented, and are there any sources that predominate. It also aimed to find what the major events triggering coverage were. Out of these major events it sampled a number of articles for a study of opinion, in an attempt to ascertain the predominant positions on these issues, as shown by the coverage.

As has already been mentioned in the discussion of findings, the coverage is dominated, in the case of prostitution, by concerns of controlling prostitution, and by the presence of legislative, legal and law-enforcing officials. In pornography, there is a preponderance of citizens' groups, and also a strong presence of legislative officials, and the topics are a mixture of legal, social and political questions. There is also a concentration on pornography itself and its effects.

It would seem that the frame of reference characterizing the coverage of each issue was really provided by those who made themselves most vocal about it, rather than by topics or sources being sought out in an attempt at investigation. In my view, this is the most important point to be made about the coverage.

APPENDICES

LIST OF TOPICS FOR PROSTITUTION

1. Federal legislation.
2. Provincial legislation.
3. Municipal legislation.
4. Legislation as it pertains to who should legislate: federal, provincial or municipal authority.
5. Legislation as it pertains to law enforcement: what police can or cannot do, what they try or would like to be able to do.
6. Legislation as it pertains to problems of defining soliciting and the criminal aspects of prostitution, when discussed by themselves as opposed to 5.
7. Arrests by police.
8. Harrassment by police: claimed by any source of comment.
9. Court cases.
10. Court decisions.
11. Homosexual prostitution.
12. Juvenile prostitution.
13. Psychological effects of prostitution: bad or good, assumed or claimed to be actual, on prostitutes themselves or others.
14. Economic effects of prostitution: bad or good, assumed or claimed to be actual, on local business or local tourism.
15. Manner of availability of prostitution: discussion of movement trends, areas or establishments prostitutes should or shouldn't be in, disturbance of traffic, cause of commotion and noise.
16. Violence relating to prostitution: murder, rape or drug-related crimes.
17. Prostitution as it pertains to organized crime: when this reason is explicit in the article.
18. Justification of prostitution: based on the claim that it is needed or wanted.
19. The earnings of prostitutes (ideas or discussion about how much they make).

20. The activity of pressure groups who are against prostitution for whatever reason or who want to improve its conditions in any way.
21. Prostitutes themselves demonstrating or voicing opinions in their own interests.
22. Solutions suggested, based on allowing prostitution but controlling it.
23. Solutions suggested, based on decriminalising prostitution altogether (i.e. in all its aspects).
- 24.
25. Prostitution as an issue in general: if none of the above fits.

LIST OF TOPICS FOR PORNOGRAPHY

31. Federal legislation.
32. Provincial legislation.
33. Municipal legislation.
34. Legislation as it pertains to who should legislate: federal, provincial or municipal authority.
35. Legislation as it pertains to law enforcement: what police can or cannot do, what they try or would like to be able to do.
36. Legislation as it pertains to problems of defining pornography or obscenity.
37. Raids by police.
38. Seizure of material by police.
39. Arrests by police.
40. Court cases.
41. Court decisions.
42. Censorship: when material is actually censored or banned or when there are calls for it to be banned or censored, or controversies about what is, isn't, should or shouldn't be censored.
43. Censorship and the issue of civil liberties: freedom of expression and freedom of access.
44. Licensing (as opposed to censorship).
45. Licensing and the issue of civil liberties: freedom of expression and freedom of access.
46. Psychological effects of pornography: bad or good, assumed or claimed to be actual, including relationship to violence or rape.
47. Pornography and the images of women.
48. Juvenile pornography.
49. Justification of pornography: based on need or demand.
50. The economics of pornography: the size of the industry, etc.

51. The activity of pressure groups who are against pornography.
52. Pornography in general, if none of the above fits.
53. Pornography as it has been covered by the media.

CHRONOLOGICAL REVIEWPROSTITUTION 1978

Jan. 18 Federal Justice Minister promises prostitution law changes.

Feb. 7 Unmarked police car not a public place. Hutt case conviction quashed. Soliciting not pressing and persistent.

Feb. 8 Minister of Justice announces proposed changes to Criminal Code for prostitution and pornography. (tighten and redefine laws).

Feb. 22 Prostitution ring discovered in Montreal.

Mar. 7 Supreme Court will not hear appeal against those acquitted in Penthouse case.

Mar. 11 Police and Mayor of Vancouver have to drop 280 soliciting charges, complain about Federal Government.

Mar. 14 Mayor of Vancouver and police fear pimp war.

Mar. 17 Vancouver. Two men get 6 months for living off the avails, one found guilty of procuring.

Apr. 19 Man's acquittal upheld; only women can be charged with soliciting.

Apr. 21 Vancouver. Increase in prostitution since Hutt, police increase attention on bawdy houses and procuring.

Apr. 22 Increase in prostitutes from U.S. after Hutt decision, Vancouver "Hooker Heaven."

May 2 Federal proposal that soliciting does not have to be pressing and persistent.

May 2 U.S. teenagers taken to Vancouver and sold into prostitution, tortured and confined. Captors belong to crime organization.

June 15 Need Federal laws since Hutt, businesses complain, Vancouver needs new approach. Street prostitution seen as a "problem" attributable to the Hutt decision.

June 19 Vancouver West End residents complain of noise resulting from the presence of prostitutes

June 28 Discussion with Justice Ministre re: criminal code changes, police and Federal Government can't agree. (Vancouver).

CHRONOLOGICAL REVIEWPROSTITUTION 1979

- Mar. 1 National Association of Women and the Law oppose proposed legislation which would not require persistent importuning by a prostitute. Proposed legislation was a response to complaints from large Canadian cities.
- May 16 Following Toronto's example, police in Vancouver harrass women with petty charges.
- June 6 Crackdown by police, prostitutes off streets, attempt to re-define "pressing and persistent" by a number of approaches.
- July 5 TRACY set up for juveniles.
- Aug. 16 Allen case: Judge says that in order to conduct business prostitutes must be allowed to approach customers. Charges dropped. (Vancouver).
- Sept. 7 Rothwall case: prostitute bargaining for price not illegal but astute, Judge says.
- Sept. 19 Discovery of a prostitution ring which had been operating for about five weeks.
- Oct. 10 Judge orders notebook and tapes sealed (King case).
- Oct. 24 King convicted and fined, probation and community work.

CHRONOLOGICAL REVIEWPROSTITUTION 1980

- Jan. 12 Discovery of a male prostitution ring which included juveniles, in Montreal.
- Mar. 21 Discovery of a male juvenile prostitution ring in Montreal.
- May 26 Montreal City Council bylaw prohibiting soliciting in a public place for the purpose of prostitution.
- May 28 Vancouver looks into Montreal bylaw.
- May 28 Directorate of Montreal police instructs its policemen not to enforce anti-soliciting bylaw right away.
- June 5 Canadian police chiefs seek tougher anti-prostitution laws.
- June 6 A young prostitute challenges the bylaw at Superior Court of Québec.
- July 26 First time in three months, two women charged in Vancouver's Georgia/Hornby area with "pressing and persistent".
- Sept. 12 Federal Justice Minister announces proposals for amending Criminal Code.
- Oct. 23, 24 Vancouver judge washes his hands of responsibility for juvenile prostitution.
- Dec. 16 Québec feminists angered over court's inaction in prosecution of customers of prostitution.
- Dec. 20 Vancouver. Woman from U.S. charged with soliciting, first time in 4 months.

CHRONOLOGICAL REVIEWPROSTITUTION 1981

- Jan. 2 A Toronto operative, who acts for the police to get convictions for bawdy house operations, testified that several times a year he engaged in sexual activities with prostitutes at the public's expense (he first made this admission in Sept. 1980).
- Jan. 9, 15 Juvenile prostitute dies in Vancouver.
- Jan. 13 Chief Judge of Montreal Municipal Court upholds city bylaw.
- Jan. 16 The Criminal Lawyers Association requests an investigation into the reports that the police are using unsupervised citizens to investigate illegal sexual activities.
- Jan. 31 Federal Solicitor General suggests bylaw similar to Montreal for Vancouver (even though that bylaw presently challenged in Supreme Court).
- Feb. 3 Vancouver mayor rejects such a bylaw, city legal advisor says bylaw would be unconstitutional.
- Feb. 5 Toronto police raid four city bath houses.
- Feb. 17 The chairman of the Toronto board of health requests a report on the practice of submitting bawdy house keepers to venereal disease tests, after two doctors charge that the tests are being used to harass the homosexual community.
- Feb. 20 The vice-chairman of the Calgary Police Commission suggests licensing prostitutes as one means of controlling prostitution.
- Mar. 20 Patron of brothel posed as a Supreme Court Judge. Judge wrongly named in prostitute Wendy King's memoirs. Judge charges King and publisher with libel.
- Apr. 24 A barbershop pole in Vancouver's Chinatown is used by prostitutes as a bulletin board to leave warnings about brutal customers.
- May 1 Four men in Halifax-Dartmouth plead guilty to having lived off the avails of prostitution.

CHRONOLOGICAL REVIEWPROSTITUTION 1981

Continued

- May 23 Calgary's Police Commission discards the idea of licensing prostitutes and suggests instead that a bylaw be passed which would make it an offence to loiter on city streets for the purpose of prostitution.
- May 25 A 14 year-old girl in Vancouver is charged with keeping a common bawdy house. She is the youngest person to have ever faced this charge in B.C.
- May 26 A former Winnipeg massage parlour operator convicted of keeping four common bawdy houses is fined \$100,000 or a two-year prison term. The fine is thought to be the largest ever imposed for the offence of a non-corporate accused. The three judges say that the fine is meant to deter the accused and others, and to show that society will not tolerate the continuance of places of prostitution.
- May 30 Edmonton police raid a homosexual bathhouse, saying that it is a routine investigation of a common bawdy house. The gay community questions their explanation of the raid.
- June 6 West End Vancouver residents protest prostitutes, suggest branding customers' cars, taking pictures.
- June 9 At a conference of the Federation of Canadian Municipalities, Toronto mayor Arthur Eggleton suggests that prostitution is increasing in Toronto. Three city aldermen disagree with him.
- June 12 Two employees of The Barracks, a Toronto club for homosexuals, are convicted of keeping a bawdy house while three executives of the club are acquitted of the same charge.
- June 18 Calgary city council passes two bylaws making it an offence to remain on or near a city street for the purpose of prostitution.
- June 19 Supreme Court: Two prostitutes approaching eight men does not constitute pressing and persistent.
- June 23 Vancouver. Man with 14-year-old prostitute; man's identity kept secret.
- June 24 The two employees of The Barracks, who were formerly convicted for keeping a bawdy house, are given conditional discharges.

CHRONOLOGICAL REVIEWPROSTITUTION 1981

Continued

- June 29 Montreal makes its first arrests under its new municipal by-law, which makes it an offence for customers to approach prostitutes in a public place and offer them money in exchange for sex.
- July 9 Calgary police lay their first charge under the city's street offences bylaw.
- July 10 An investigation conducted for the Québec Justice Department states that there are as many as 5,000 juvenile prostitutes working in the Montreal area.
- July 26 A private campground near Hamilton is raided by police and more than 200 charges are laid, including those of keeping a bawdy house and being found in one.
- July 31 The mayors of Montreal and Toronto agree that tougher criminal laws are needed to combat prostitution. They plan to lobby Ottawa for changes to the Criminal Code.
- Aug. 25 Residents in Niagara Falls protest against prostitution in their neighbourhood.
- Aug. 26 An undercover Winnipeg policewoman charges 10 men with soliciting for the purpose of prostitution.
- Sept. 11 A Winnipeg man pleads guilty to the charge of soliciting an undercover policewoman and is fined \$300 and costs.
- Sept. 29 Vancouver's Concerned Residents of the West End (CROWE) have organized to press for laws to combat prostitutes soliciting in their area.
- Oct. 7 Calgary's street offences bylaw is declared illegal.
- Oct. 10-14 The director of Vancouver's Sunflower Family Crisis Intervention Centre and Runaway Shelter recounts the experiences of teen-age prostitutes. She describes how she has been trying to get government funds for a long-term child care residence for girls in their early teens who have entered prostitution or who risk doing so.
- Oct. 23 A Victoria police constable says that prostitution and violence relating to prostitution are increasing in Victoria.

CHRONOLOGICAL REVIEWPROSTITUTION 1981

Continued

- Oct. 30 The Alberta Attorney General's office decides to appeal the court decision that Calgary's anti-prostitution bylaw is illegal.
- Nov. 19 The first Winnipeg man to go on trial for soliciting an undercover policewoman is acquitted. The judge is not convinced that the man's actions had been pressing and persistent.
- Nov. 26 CROWE says increased violence in West End is because of prostitutes, says city is trying but Federal Government isn't.
- Nov. 27 The mayors of eight of Canada's largest cities agree to ask the Federal Government to strengthen the existing law against soliciting for the purpose of prostitution.
- Nov. 30 Vancouver mayor Michael Harcourt rejects the idea of licensing brothels.
- Dec. 1 The Supreme Court of Canada advises Parliament to strengthen its provision on soliciting for the purpose of prostitution. The advice comes as part of their decision that two Vancouver prostitutes are not guilty of soliciting. Plying trade energetically is not persistence.
- Dec. 11 The Québec Superior Court rules Montreal's anti-prostitution bylaw, 5464, invalid and annuls the conviction of two Montreal prostitutes by the Montreal Municipal Court.
- Dec. 16 Justice Minister Jean Chrétien suggests to provincial Justice ministers that they adopt "loitering" provisions to deal with prostitution.

PROSTITUTION 1982

- Jan. 6 The Toronto board of health ends the Public Health Department's 50-year-old policy of ordering those charged with sexual offences to be examined for venereal disease.
- Jan. 7 Policemen from the morality squad are charged for using the services of prostitutes.
- Jan. 12 The second man to be tried in Winnipeg for soliciting an undercover policewoman for the purposes of prostitution is acquitted on the grounds that his behavior was not pressing and persistent.
- Jan. 12-15 Court trial occurs of a couple accused of keeping a common bawdy house in a circus tent in their private campground near Hamilton.
- Feb. 7-8 A hotel industry consultant says that Toronto's major hotels know prostitutes are working out of their establishments but disregard them. A metro police morality squad officer denies this.
- Feb. 25 CROWE intends to picket prostitutes and customers, claiming that similar groups exist in Halifax, Montreal, Calgary; hope to pressure Federal Government.
- Mar. 20 The Federal Government has agreed to establish a special sub-committee to recommend changes to the Criminal Code dealing with prostitution.
- The Federal Government is suggesting that cities with prostitution problems enact bylaws similar to the one in Calgary.
- Mar. 23 A jury finds a man guilty in the strangling death of a prostitute.
- April 4
- April 6 Vancouver city council approves a bylaw empowering police to issue tickets to anyone found buying or selling sexual services on the street. The maximum fine is \$2,000.
- April 13 Vancouver tests its new bylaw by applying for summons against three women suspected of prostitution and eight men alleged to be customers.
- April 21 Justice Minister Jean Chrétien announces that he will ask the Commons Justice Committee to make a special study of the country's prostitution problem.

CHRONOLOGICAL REVIEWPROSTITUTION 1982

Continued

- April 23 CROWE demonstrates in the West End; attack on Federal Government; police warn prostitutes to stay off streets.
- April 26 A Vancouver traffic court imposes its first fine on a man who pleads guilty to attempting to engage a prostitute. He is fined \$300.
- May 6-22 British Columbia's Attorney General says that the names of persons charged with an offence should be a matter of public record. Previously, Vancouver's mayor had approved the bylaw prosecutor's actions of allowing those who pleaded guilty to charges enacted under the city's prostitution bylaws, and who paid their fine before being summoned to appear in court, to be exempt from having their names made public. As of June 1 their identities will begin to be made public.
- May 13 The first anti-prostitution bylaw in Ontario is passed in Niagara Falls. The maximum fine is \$2,000 and it is stated that the names of the people charged under the bylaw will not be protected from publicity.
- May 17 The Supreme Court of Canada grants a Calgary woman appeal of her conviction under the municipal bylaw, which makes it illegal to be on the streets for the purpose of prostitution. It will be the Supreme Court's first Charter of Rights and Freedoms case.
- May 19 First challenge to Vancouver bylaw; court stays proceedings.
- May 21 Executive Member, National Association of Women and the Law: since prostitution is legal, criminalizing soliciting is contradictory.
- May 25 The Association for Gay Rights in Québec urges the Federal Government to repeal the Criminal Code's section which allows raids of what it calls common bawdy houses.
- June 2 Vice-president, National Action Committee on the Status of Women calling for the legalization of prostitution to allow the women control over their profession. Prostitution laws allow these women to be harassed by police and courts.

CHRONOLOGICAL REVIEWPROSTITUTION 1982Continued

- June 5 The couple accused of keeping a common bawdy house in a circus tent at a campground near Hamilton are found guilty. The judge rules that the group sex that was engaged in exceeded community standards.
- June 10 A delegation from the Metro Toronto Board of Police Commissioners recommends to the Commons Justice and Legal Affairs Committee that the Criminal Code be changed so that proof of pressing and persistent behaviour no longer be needed to convict prostitutes.
- Sept. 15 A B.C. Provincial Court judge upholds Vancouver's bylaw, which prohibits prostitutes and their customers from selling or buying sexual services on city streets.
- Sept. 18 30 arrests are made on "La Main", Montreal's prostitution strip on St. Laurent St., among them is a 16-year-old male pimping for a 16-year-old girl.
- Sept. 28 An application for appealing the B.C. Provincial Court judge's decision is filed.
- Oct. 14 An Ontario County Court judge overturns the conviction of a woman charged with loitering, because the charge abused the legal process by using loitering as a means to stop soliciting by prostitutes.
- Oct. 20 A Vancouver woman becomes the first accused under the city's anti-prostitution law to be acquitted. The judge does not consider her soliciting from a parking lot to be covered by the bylaw's intent of curbing prostitution on city streets.
- Nov. 2 The House of Commons Justice Committee is unlikely to make recommendations for changing the soliciting law until after the Supreme Court decides on the legality of Calgary's anti-prostitution bylaw.
- Nov. 5 Calgary's judges are adjourning trials under the city's prostitution bylaw until after the Supreme Court decides on the bylaw's legality.
- Nov. 11 Two prostitutes prosecute a client who owes them \$7,000 for services rendered.
- Dec. 2 The Supreme Court reserves its decision on the appeal of the legality of Calgary's anti-prostitution bylaw until 1983.

Dec. 16 Thirty women and four men from the Encore Escort Agency are arrested for prostitution.

CHRONOLOGICAL REVIEWPROSTITUTION 1983

- Jan 26. Supreme Court of Canada rules against Calgary's prostitution bylaw.
- Feb. 3,4 City of Vancouver drops outstanding charges on prostitution bylaw in light of Supreme Court ruling against Calgary bylaw.
- Feb. 11 Living off the avails trial - Foslette case.
- Feb. 12 Foslette acquitted.
- Feb. 16, 17 Vancouver City Council repeals street soliciting bylaw.
- Feb. 23 Federal Justice Department appears ready to introduce new prostitution legislation.
- Mar. 3 Vancouver Mayor calls for new laws on prostitution. He says the need is desperate and the problem of street solicitation extremely grave.
- Mar. 18 Mayors across Canada to pressure Federal Government to change prostitution law.
- May 26 Chairman, Commons Justice Committee recommendations: tough anti-prostitution law recommended.
- Apr. 21 Prostitutes march to protest proposed law changes.
- Apr. 22 CROWE women demand new law to get prostitutes off street.
- Apr. 27 Proposal to have City of Edmonton licence prostitutes rejected by City Council.
- May 6, 7 Ontario Court ruling that prostitutes cannot be convicted for loitering.
- June 24 Justice Committee proposals on new laws for pornography and prostitution.
- Aug. 4 Police raid the American Tourist Room in Montreal. 13 arrests.
- Aug. 27 Two Canadian politicians linked to child prostitution and pornography ring.
- Sept. 8 Children-run prostitution ring discovered in Ontario

CHRONOLOGICAL REVIEWPROSTITUTION 1983

Continued

- Oct. 18 Montreal revitalizes and amends a bylaw adopted at the end of the last century: it prohibits solicitation of any kind in public places.
- Oct. 20 Discovery of a prostitution ring which includes more than ten juveniles aged 11-14. Juvenile prostitution on the increase in Montreal, the associate director for youth protection says.
- Nov. 3 Fraser Commission to begin hearings on Dec. 5.
- Nov. 16 Alberta Attorney General resigns after police found him with a prostitute in his car.
- Dec. 8 Fraser Commission to release report containing options for dealing with prostitution and pornography, for discussion in hearings.
- Dec. 14 A Justice of the Peace in Hamilton admits having sexual relations with juveniles.

CHRONOLOGICAL REVIEWPORNOGRAPHY 1978

- Feb. 8 Proposed changes to criminal code. Minister of Justice says tough new laws on pornography will outlaw child sex exploitation.
- Feb. 22,23 Law enforcement officials meet with the Commons Justice Committee to plead for stricter anti-porn laws in the Criminal Code.
- Apr. 20 Federal Justice Minister promises the Commons that he will try to introduce anti-porn legislation before the end of the parliamentary session.
- Apr. 28 Roman Catholic churches in Canada undertake a new campaign against pornography.
- May 19 RCMP Commissioner testifies before Commons Justice Committee against need for tougher anti-porn laws.
- Nov. 8 Tory proposal for law prohibiting child pornography.
- Nov. 21 Federal Minister of Justice proposals for Criminal Code amendments, including broadening definition of obscenity.
- Dec. 1 Conviction of Regina News Ltd. for distributing obscene material.

PORNOGRAPHY 1979

- May 7 The Women's Federation of Québec calls on the Québec Justice Minister to make illegal all distribution of pornographic material to minors.
- May 9 Hamilton passes anti-pornography law.
- Sept.22, 29 B.C. hosts international forum on pornography.

PORNOGRAPHY 1980

- Feb. 15 FBI probe exposes major U.S. pornography ring.
- Mar. 12 Cablevision Nationale is fined \$500 for "indecent" programming.
- Apr. 8 Police discover a pornographic material distribution ring in the Town of Mount Royal.
- May 2, 9 Gay sex books banned in Winnipeg, allowed in Calgary.
- Dec. 19 The Federal Justice Minister announces proposals for Criminal Code amendments.

PORNOGRAPHY 1981

- Feb. 11 Discovery of a pornography ring in Hull, Québec.
- May 25 The Québec Federation of Women launches an offensive against the spreading use of children for the production of pornographic material.
- Mar. 18 The former British High Commissioner to Canada, Sir Peter Hayman, is named in the British House of Commons for his connection with a court case involving child pornography.
- Oct. 10 The Ontario Censor Board bans the National Film Board's Not a Love Story.
- Nov. 2 Assistant to Speaker Claude Vaillancourt asks for a police investigation after the allegation is made that the Québec National Assembly's audio-visual equipment was used to make pornographic films.
- Nov. 11 The National Film Board decides to appeal the Ontario Censor Board's decision to forbid public screenings of Not a Love Story.
- Nov. 20 Québec Government House Leader Claude Charron denies that he or his staff were involved in making pornographic films in National Assembly Offices.
- Dec. 2 There is a police seizure of suspected pornographic wholesale and retail materials in Nova Scotia and P.E.I.
- Dec. 10 The Québec Justice Minister announces that the allegation that the National Assembly and its equipment were used to make pornographic films was false.

CHRONOLOGICAL REVIEWPORNOGRAPHY 1981

Continued

- Dec. 12 In a brief to the legislative committee studying the Québec Film industry, Québec's Council on the Status of Women opposes the creation of a special category of movie theatre for the showing of pornographic films.
- Dec. 12 The RCMP searches a company distributing pornographic material in St. Romuald, Québec.

PORNOGRAPHY 1982

- Jan. 12 Hamilton City Council gives the general manager of the Hamilton Convention Centre a 15% raise. Raise was given after disclosure that the manager and other staff members had private viewings of pornographic films on the premises.
- Feb. 12 A subsequent investigation by the police reveals that no criminal offences had been made. The manager of the Convention Centre has been fired.
- Feb. 19 \$50,000-worth of pornographic material accessible to minors is seized.
- Mar. 2, 4 Private screenings of Not a Love Story are in high demand in Ontario.
- Mar. 10, 12 Vancouver City staff request that City Council impose restrictions on private film viewing booths for pornography.
- Apr. 3-28 RCMP officers raid a Calgary video retailer and seize 58 tapes, 37 of which they later classify as pornographic. The retailer invokes the Charter of Rights in a court case to have the 37 tapes returned.
- May 22 300 women demonstrate against pornography.
- July 6 The Minister of Justice refuses to submit amendments to the Criminal Code regarding pornography.
- July 15 The Minister of Justice accuses MP's of not wanting to really deal with child pornography in Canada. Several witnesses had said that it didn't exist in Canada.

CHRONOLOGICAL REVIEWPORNOGRAPHY 1982

Continued

- July 22 The Commons Justice Committee descides for the time being to drop the issue of child pornography from its proposed new law, and concentrate on trying to pass those sections dealing with sexual assault and child abduction.
- July 31 Feminists organize a picnic for men and women to celebrate the closure of Cinema "X", the first "hard core" theatre in Montreal.
- Aug. 19 The B.C. Supreme Court rules that Victoria's anti-pornography bylaw is unconstitutional because it infringes on the Criminal Code's provisions on obscenity.
- Oct. 1, 6 At the annual meeting of the Canadian Psychiatric Association, Dr. Susan Penfield recounts evidence that there is a strong link between pornography and incestuous child abuse.
- Oct. 11 The Canadian Conference of Catholic Bishops sends a letter to ask Justice Minister Mark McGuigan to reintroduce legislation banning child pornography.
- Oct. 27 Women's groups in B.C. have shown an American catalogue, banned by Canada Customs, but available at Red Hot Video outlets in the province, to the provincial Attorney General. The owner of the company of Red Hot Video retail franchises says that he intends to continue selling the catalogue.
- Nov. 3 The special assistant to the Minister Responsible for the Status of Women says that the campaign against violent video pornography in B.C. is a test case which will affect whether such material is distributed widely in the rest of the country.
- Nov. 22 Three Vancouver Red Hot Video outlets are firebombed by a group calling itself the Wimmin's Fire Brigade.
- Nov. 23 Letter from Wimmin's Fire Brigade stating why they took illegal action.
- Nov. 28 A hard-core pornography videotape was withdrawn by Tricolor Video Inc., after a group of 30 women bought a copy of the tape to the Vancouver police to lodge a complaint.

CHRONOLOGICAL REVIEWPORNOGRAPHY 1982

Continued

- Dec. 2 The Regional Crown council investigating the sale of hard-core pornography videotapes says that he prefers to investigate the over-all distribution and sale of tapes in the province rather than prosecute single obscenity charges. He is criticized by women's groups.
- Dec. 7 A Red Hot Video store in Port Coquitlam decides to close rather than face a fire bomb attack. The remaining 11 outlets have private round-the-clock security.
- Dec. 11 The 11 remaining Red Hot Video outlets are picketed by women's groups.
- Dec. 12 Six militants from the Regroupement Feministe Contre la Pornographie and the Collectif Masculin Contre le Sexisme demonstrate outside a Saint Denis Street bar in Montreal.
- Dec. 16 Pacific Video Ltd. in Richmond, B.C., gives 50 pornographic tapes to a women's group protesting against violent pornography. The store manager says his main reason for giving up the tapes was to protest against violence against women.

CHRONOLOGICAL REVIEWPORNOGRAPHY 1983

- Jan. 4 B.C. Women protest pornography.
- Jan. 8, 10, 13 Police raid video tape outlets in B.C.
- Jan. 18, 19 Pornography on Pay TV. First Choice-Playboy deal.
20,21,22 Protests and pornography-censorship discussions in light of
 protests. CRTC orders a meeting on erotic TV.
- Feb. 7 Bishops support opposition to pornography on Pay-TV.
- Feb. 10 The Québec Episcopat will not interfere in the question of
 "pornographic" films on Pay TV.
- Feb. 23, 26 Proposed Toronto bylaw to regulate display of erotic books and
 magazines.
- Mar. 5, 6 Red Hot Video in Vancouver charged under Criminal Code with
 distributing obscene material.
- Apr. 13 Toronto City Council suspends enforcement of anti-pornography
 bylaw.
- Apr. 16 The Québec Minister Responsible refuses to modify his law,
 109, for the classification of films.
- Apr. 23 The Québec Minister responsible for the Status of Women calls
 for modification of the 109 law mentioned above.
- Apr. 27 Toronto City Council Committee supports licensing requirements
 of anti-pornography bylaw.
- May 3, 4 Toronto City Council votes to retain special licensing for
11 stores selling erotic books and magazines.
- May 12 Vancouver City Council votes to refuse business licenses to
 new stores selling or renting pornographic material, and not
 to renew licenses where possible.
- May 11, 12 Toronto's pornography bylaw will be challenged in the
 Supreme Court of Ontario.
- May 31 Red Hot Video Ltd. found guilty on three counts of possession
 of obscene material for the purpose of distribution and fined
 \$300.

CHRONOLOGICAL REVIEWPORNOGRAPHY 1983

Continued

- | | |
|----------------------|---|
| June 3, 4
& 6 | New Charter of Rights & Freedoms invoked by man whose pornographic material was removed from his possession by Canadian Customs officials. |
| June 1, 4 | Red Hot Video to appeal conviction. |
| July 19 | Vancouver judge rules "reasonable" the infringement of Canada's Customs Tariff Act. |
| Aug. 27 | Two Canadian politicians linked to child prostitution and pornography ring. |
| Sept. 1 | A Québec channel in Trois-Rivières (TVEC) ceases its pornographic films. |
| Sept. 14,
15 & 16 | Ontario obscenity trial regarding home video cassettes. |
| Sept. 15 | Manitoba Action Committee on Status of Women spokesperson advocates publishing a list of hotels that are free of sex-oriented entertainment, i.e. "positive action" rather than staging demonstrations. |
| Sept. 26 | Conference on Impact & Public Safety in Vancouver regarding pornography law failure. |
| Oct. 6 | House of Commons committee to study pornography and sexually abusive programming on television and radio. |
| Oct. 10 | Obscenity case in Ontario Court regarding distribution of film, censorship and setting standards. |
| Oct. 20 | Pornographic posters condemned by three parties at Montreal City Council. |
| Oct. 25 | Ontario obscenity trial. Judge rules "obscene" in test case. Two video firms fined \$2,500. |
| Oct. 26 | Ontario considers censoring pornography on home videos. |
| Nov. 3 | Fraser Commission to begin hearings on December 5. |
| Nov. 5 | Anglican Bishops propose a boycott of pornographic distributors. |

CHRONOLOGICAL REVIEWPORNOGRAPHY 1983

Continued

- Nov. 23 Red Hot Video store in Prince George pleads guilty to possessing obscene material in B.C. Court.
- Dec. 8 Fraser Commission report to be issued today. Contains options to be put before the public which could be used to amend the Criminal Code.
- Dec. 19 A demonstration by "Voisins Contre la Pornographie" on Avenue du Parc in Montreal.

CLIPPING NO.												GEOGRAPHIC CONTEXT		TOPIC(S)					
										X	X	~B.C.	~Alberta	-1	-11	-21	-31	-41	-51
												~Sask.	~Manit.	-2	-12	-22	-32	-42	-52
												~Ont.	~Que.	-3	-13	-23	-33	-43	-53
												~Maritimes & Newf.		-4	-14	-24	-34	-44	-54
												~Elsewhere in Can.		-5	-15	-25	-35	-45	-55
												~Canada, General		-6	-16	-26	-36	-46	-56
												~U.S.	~Other	-7	-17	-27	-37	-47	-57
														-8	-18	-28	-38	-48	-58
														-9	-19	-29	-39	-49	-59
														-10	-20	-30	-40	-50	-60

NUMBER OF PARAGRAPHS

-1-6 -7-12 -13-20 ~more

BYLINE

~Staff or Special to Paper ~Canadian Press ~Other Service

SOURCES OF COMMENTS ON TOPICS (Directly or Indirectly Reported)

- | | |
|-------------------------------------|------------------------------------|
| ~Police | ~Support Groups - Social Service |
| ~Mayor of Municipality | ~Porno Makers |
| ~Other Municipal Councillor | ~Porno Distributors |
| ~Provincial Cabinet Member | ~Male Porno Actors |
| ~Other Member of Prov. Legislature | ~Female Porno Actors |
| ~Federal Cabinet Member | ~Male Adult Prostitutes |
| ~Other Member of Fed. Parliament | ~Female Adult Prostitutes |
| ~Supreme Court of Canada Judge | ~Male Juvenile Prostitutes |
| ~Other Judge | ~Female Juvenile Prostitutes |
| ~Regulatory Auths. - Censors, CRTC | ~Pimps |
| ~Women's Pressure Groups | ~Male Customers of Pornography |
| ~Residents Pressure Groups | ~Female Customers of Pornography |
| ~Local Business Pressure Groups | ~Male Customers of Prostitution |
| ~Legal Pressure Groups | ~Female Customers of Prostitution |
| ~Religious Pressure Groups | ~Journalists' accounts or comments |
| ~Other Pressure Groups | ~None of the above |
| ~Lawyers - not connected with above | |

[illegible]

CHRONOLOGIE

PORNOGRAPHIE - 1983
(Suite)

- 5 nov. Les évêques anglicans proposent un boycottage des distributeurs de matériel pornographique.
- 23 nov. Un magasin Red Hot Video de Prince George (C.-B.) reconnaît sa culpabilité dans une affaire de possession de matériel obscène.
- 8 déc. Publication du rapport de la Commission Fraser. Le rapport soumet à l'attention du public des projets de modification du Code criminel.
- 19 déc. Avenue du Parc, Montréal: manifestation des Voisins contre la pornographie.

(Suite)

- 31 mai La Red Hot Video Ltd. est déclarée coupable sous trois chefs d'accusation de possession de matériel obscène destiné à être distribué, elle est condamnée à une amende de 300\$.
- 3, 4 et 6 mai Un homme auquel des représentants des Douanes canadiennes ont enlevé du matériel pornographique invoque les dispositions de la nouvelle Charte des droits et libertés.
- 1er et 4 juin La Red Hot Video ira en appel.
- 19 juill. Un juge de Vancouver déclare "raisonnable" une violation de la Loi sur les douanes.
- 27 août Deux politiciens canadiens sont liés aux activités d'un réseau de prostitution d'enfants et de pornographie.
- 1er sept. TVEC de Trois-Rivières (Qué.) cesse de diffuser des films pornographiques.
- 14, 15 et 16 sept. Ontario: procès sur le caractère obscène de vidéocassettes maison.
- 15 sept. Manitoba: la porte-parole du comité d'action sur le statut de la femme recommande la publication d'une liste d'hôtels n'offrant pas de divertissements à caractère sexuel, et dit préférer "l'action positive" aux manifestations.
- 26 sept. Vancouver: conférence sur l'échec des lois anti-pornographie.
- 6 oct. Un comité de la Chambre des communes étudie la question de la diffusion, à la radio et à la télévision, d'émissions pornographiques ou au caractère sexuel abusif.
- 10 oct. Une cour de l'Ontario se penche sur une affaire d'obscénité qui l'amène à examiner des questions comme la distribution de films, la censure et l'établissement de normes.
- 20 oct. Conseil municipal de Montréal: les trois partis condamnent l'affichage de posters pornographiques.
- 25 oct. Ontario: procès sur l'obscénité. Deux entreprises de matériel vidéo sont condamnées à une peine de 2,500\$ pour obscénité.
- 26 oct. L'Ontario envisage la possibilité de censurer les vidéocassettes maison pornographiques.
- 3 nov. Le début des audiences de la Commission Fraser est fixé au 5 décembre.

CHRONOLOGIE

4 janv.	Des femmes de Colombie-Britannique manifeste contre la pornographie.
8, 10 et 13 janv.	Descentes de police dans des magasins de bandes vidéo de la Colombie-Britannique.
18, 19, 20, 21 et 22 janv.	Pornographie à la télévision payante. Entente Premier Choix-Playboy. Protestations. Débat pornographie-censure. Le CRTC convoque une réunion sur la présentation de films érotiques à la télévision.
7 fév.	Les évêques appuient la lutte contre la pornographie à la télévision payante.
10 fév.	L'Épiscopat du Québec choisit de ne pas intervenir dans la question de la présentation de films "pornographiques" à la télévision payante.
23 et 26 fév.	Toronto: projet de règlement sur l'étalage de livres et de magazines érotiques.
5 et 6 mars	La Red Hot Video de Vancouver est accusée de distribuer du matériel obscène.
13 avril	Le conseil municipal de Toronto suspend l'application de son règlement anti-pornographie.
16 avril	Le ministre québécois responsable refuse de modifier la loi 109 sur le classement des films.
23 avril	La ministre québécoise responsable du statut de la femme exige que la loi 109 soit modifiée.
27 avril	Un comité du conseil municipal de Toronto approuve les exigences du règlement anti-pornographie relatives à l'attribution de permis.
3, 4 et 11 mai	Le conseil municipal de Toronto maintient le principe de l'attribution de permis spéciaux aux magasins de livres et de magazines érotiques.
12 mai	Le conseil municipal de Vancouver refuse d'accorder un permis d'affaires aux nouveaux magasins qui vendent ou louent du matériel pornographique et s'engage à ne pas renouveler, dans la mesure du possible, les permis existants.
11 et 12 mai	Le règlement anti-pornographie de Toronto sera contesté devant la Cour Suprême de la province.

- 28 nov. La Tricolor Video Inc. retire de ses tablettes une vidéocassette de pornographie dure après qu'un groupe de 30 femmes en ait fait parvenir une copie à la police de Vancouver et ait déposé une plainte.
- 2 déc. Le conseiller régional de la Couronne chargé d'étudier la vente de vidéocassettes de pornographie dure déclare qu'il préfère faire porter son enquête sur l'ensemble des réseaux de distribution et de vente de la province. Son attitude est critiquée par des groupes de femmes.
- 7 déc. Le propriétaire d'un magasin Red Hot Video de Port Coquitlam décide de fermer ses portes plutôt que de faire face à une attaque à la bombe incendiaire. Les 11 magasins restants sont protégés 24 heures par jour par une agence de sécurité.
- 11 déc. Des groupes de femmes dressent des piquets devant les établissements de la chaîne Red Hot Video.
- 12 déc. Six militants du Regroupement féministe contre la pornographie et du Collectif masculin contre le sexisme manifestent devant un bar de la rue Saint-Denis, à Montréal.
- 16 déc. La Pacific Video Ltd. de Richmond (C.-B.) remet 50 films pornographiques à un groupe de femmes en lutte contre la pornographie violente. Le directeur du magasin explique qu'il entend par là protester contre la violence faite aux femmes.

PORNOGRAPHIE - 1982
(Suite)

- 6 juill. Le ministre de la Justice refuse d'apporter des modifications au Code criminel en matière de pornographie.
- 15 juill. Le ministre de la Justice accuse les députés de ne pas vouloir s'attaquer de front au problème de la pornographie mettant en cause des enfants. Pour plusieurs, cette forme de pornographie n'existe pas au Canada.
- 22 juill. Le Comité de la Justice des Communes décide de laisser temporairement de côté la question de la pornographie mettant en cause des enfants et de faire au moins adopter les articles sur les attentats à la pudeur et les détournements de mineurs.
- 31 juill. Des féministes invitent hommes et femmes à un pique-nique organisé pour célébrer la fermeture du cinéma "X", première salle de projection de pornographie dure de Montréal.
- 19 août La Cour Suprême de la Colombie-Britannique statue que le règlement anti-pornographie de Victoria est inconstitutionnel, dans la mesure où il contrevient aux dispositions du Code criminel relatives à l'obscénité.
- 1^{er} et 6 oct. Dans le cadre de la réunion annuelle de l'Association des psychiatres du Canada, Susan Penfield établit qu'il y a un lien étroit entre la pornographie et les actes incestueux envers des enfants.
- 11 oct. La Conférence canadienne des évêques catholiques adresse une lettre au ministre de la Justice, Mark McGiigan, dans laquelle elle lui demande de présenter une nouvelle loi qui interdirait la pornographie mettant en cause des enfants.
- 27 oct. Des groupes de femmes de la Colombie-Britannique font parvenir au procureur général de la province un exemplaire d'un catalogue américain interdit par les Douanes canadiennes, mais offert par les établissements de la chaîne Red Hot Video. Le propriétaire de la compagnie Red Hot Video déclare qu'il a l'intention de continuer à vendre le catalogue.
- 3 nov. L'adjointe spéciale du ministre responsable du Statut de la femme déclare que la campagne contre la pornographie vidéo violente en Colombie-Britannique risque d'avoir des conséquences dans tout le pays, partout où ce matériel est distribué.
- 22 nov. Trois magasins de Vancouver de la chaîne Red Hot Video sont attaqués à la bombe incendiaire par la Wimmmin's Fire Brigade.
- 23 nov. Dans une lettre, la Wimmmin's Fire Brigade explique les motifs de son action.

PORNORAPHIE - 1981

(Suite)

- 2 déc. Saisie, par la police de la Nouvelle-Ecosse et de l'Île-du-Prince-Édouard, de matériel présumément pornographique vendu en gros et au détail.
- 10 déc. Le ministre québécois de la Justice déclare que les allégations selon lesquelles des films pornographiques ont été tournés à l'Assemblée nationale, avec du matériel de l'Assemblée, étaient fausses.
- 12 déc. Dans un mémoire soumis au comité législatif chargé d'étudier l'industrie du cinéma au Québec, le Conseil québécois du statut de la femme s'oppose à la création d'une catégorie spéciale de salles de cinéma réservées à la projection de films pornographiques.
- 12 déc. La GRC effectue des fouilles dans une entreprise de distribution de matériel pornographique de Saint-Romuald (Qué.).

PORNORAPHIE - 1982

- 12 janv. Le conseil municipal de Hamilton accorde au directeur général du Centre municipal des congrès une augmentation de 15%, bien qu'on ait récemment appris que la personne en question et des membres de son personnel aient assisté à des projections privées de films pornographiques, au Centre même.
- 12 fév. Une enquête policière révèle qu'aucun acte criminel n'a été commis. Le directeur du Centre des congrès est démis de ses fonctions.
- 19 fév. Saisie de matériel pornographique d'une valeur de 50,000\$ accessible aux mineurs.
- 2 et 4 Les projections en privée de C'est surtout pas de l'amour sont très courues en Ontario.
- 10 et 12 Des employés de la ville de Vancouver demandent au conseil municipal d'imposer des restrictions sur les kiosques de visionnement privé de films pornographiques.
- 3-28 avril Des agents de la GRC font une descente chez un détaillant de matériel vidéo de Calgary et saisissent 58 bandes, dont 37 seront plus tard jugées pornographiques. En cour, le détaillant invoque les dispositions de la Charte des droits pour se faire restituer les 37 bandes en question.
- 22 mai 300 femmes manifestent contre la pornographie.

CHRONOLOGIE

PORNOGRAPHIE - 1980

15 fév. Le FBI met au jour un important réseau de pornographie aux États-Unis.

12 mars Le réseau Cablevision nationale est condamné à une amende de 500\$ pour programmation "indécente".

8 avril La police découvre un réseau de distribution de matériel pornographique à Ville Mont-Royal.

2 et 9 mai Diffusion de livres pornographiques pour homosexuels interdite à Winnipeg, mais autorisée à Calgary.

19 déc. Le ministre fédéral de la Justice rend publiques les modifications du Code criminel qu'il compte faire adopter.

PORNOGRAPHIE - 1981

11 fév. Découverte d'un réseau de pornographie à Hull (Qué.).

25 mai La Fédération des femmes du Québec lance une véritable offensive contre l'utilisation croissante d'enfants dans la production de matériel pornographique.

18 mars Le nom de l'ex-haut-commissaire de Grande-Bretagne au Canada, Sir Peter Hayman, est cité à la Chambre des communes de Londres, en rapport avec une affaire de pornographie mettant en cause des enfants.

10 oct. Le bureau de la censure de l'Ontario interdit la présentation du film C'est surtout pas de l'amour de l'Office national du film.

2 nov. L'orateur adjoint de l'Assemblée nationale du Québec, Claude Vallancourt, demande à la police de faire enquête sur l'utilisation présumée du matériel audio-visuel de l'Assemblée dans la production de films pornographiques.

11 nov. L'Office national du film décide d'en appeler de la décision du bureau de la censure de l'Ontario d'interdire la projection, en public, du film C'est surtout pas de l'amour.

20 nov. Québec: Le leader en Chambre du gouvernement, Claude Charbon, nie que son personnel ou lui-même aient été mêlés à la production de films pornographiques dans les bureaux de l'Assemblée nationale.

CHRONOLOGIE

PORNOGRAPHIE - 1978

8 fév. Projet de modification du Code criminel. Le ministre de la Justice déclare qu'il compte faire interdire l'exploitation sexuelle des enfants par l'adoption de lois anti-pornographie sévères.

22 et 23 fév. Des représentants des milieux policiers plaident en faveur de l'adoption de lois anti-pornographie plus sévères devant le Comité de la Justice des Communes.

20 avril Le ministre fédéral de la Justice déclare qu'il fera de son mieux pour faire adopter une loi anti-pornographie avant la fin de la session.

28 avril L'Eglise catholique romaine du Canada entreprend une nouvelle campagne contre la pornographie.

19 mai Témoignant devant le Comité de la Justice des Communes, le commissaire de la GRC ne se dit pas en faveur de l'adoption de lois anti-pornographie plus sévères.

8 nov. Les Conservateurs demandent au gouvernement de présenter une loi interdisant la pornographie mettant en cause des enfants.

21 nov. Le ministre fédéral de la Justice propose des modifications au Code criminel, et notamment un élargissement de la définition de l'obscénité.

1er déc. La Regina News Ltd. est déclarée coupable d'avoir distribué du matériel obscène.

PORNOGRAPHIE - 1979

7 mai La Fédération des femmes du Québec demande au ministre québécois de la Justice de rendre illégale toute distribution de matériel pornographique aux mineurs.

9 mai La ville de Hamilton adopte un règlement anti-pornographie.

22-29 sept. Colloque international sur la pornographie en Colombie-Britannique.

CHRONOLOGIE

PROSTITUTION - 1983
(Suite)

- 18 oct. La ville de Montréal remet en vigueur et modifie un règlement adopté à la fin du siècle dernier et qui interdit toute forme de sollicitation sur la voie publique.
- 20 oct. Découverte d'un réseau de prostitution comprenant au moins une dizaine de jeunes de 11 à 14 ans. Le directeur adjoint de la Protection de la Jeunesse affirme que la prostitution juvénile se développe à Montréal.
- 3 nov. Le début des audiences de la Commission Fraser est fixé au 5 décembre.
- 16 nov. Le procureur général de l'Alberta démissionne après que la police l'ait trouvé en compagnie d'une prostituée, dans son automobile.
- 8 déc. La Commission Fraser publie un rapport sur la prostitution et la pornographie dont le contenu sera débattu pendant les audiences.
- 14 déc. Un juge de paix de Hamilton admet avoir eu des relations sexuelles avec des jeunes.

CHRONOLOGIE

PROSTITUTION - 1983

- 26 janv. La Cour Suprême du Canada déclare invalide le règlement anti-prostitution de la ville de Calgary.
- 3 et 4 En réaction, la ville de Vancouver abandonne les accusations qu'elle avait portées en vertu d'un règlement analogue.
- 11 fév. Affaire Fosllette: prostitution.
- 12 fév. Acquittement de Fosllette.
- 16 et 17 Le conseil municipal de Vancouver abroge son règlement sur le racolage public.
- 23 fév. Le ministère fédéral de la Justice semble prêt à présenter une nouvelle loi sur la prostitution.
- 3 mars Le maire de Vancouver réclame de toute urgence de nouvelles lois sur la prostitution. Il déclare que le problème du racolage public est devenu extrêmement grave.
- 18 mars Des maires de tous les coins du pays demandent au gouvernement fédéral de modifier la loi sur la prostitution.
- 26 mai Le président du Comité de la Justice des Communes recommande l'adoption d'une loi anti-prostitution sévère.
- 21 avril Marche de protestation de prostituées s'opposant aux modifications législatives proposées.
- 22 avril Le groupe CROWE réclame une nouvelle loi qui fera "sortir" les prostituées de la rue.
- 27 avril Le conseil municipal d'Edmonton rejette un projet d'attribution de permis aux prostituées.
- 6 et 7 mai Une cour de l'Ontario estime que les prostituées ne peuvent être condamnées pour avoir flâné sur la voie publique.
- 24 juin Le Comité de la Justice propose de nouvelles lois relatives à la pornographie et à la prostitution.
- 4 août Descente de la police à l'American Tourist Room de Montréal. Treize arrestations.
- 27 août Deux politiciens canadiens sont liés à une affaire de prostitution juvénile et à un réseau de pornographie.
- 8 sept. Découverte, en Ontario, d'un réseau de prostitution dirigé par des enfants.

5 juin	Le couple accusé d'avoir tenu une maison de prostitution dans une tente de cirque, près de Hamilton, est reconnu coupable. Le juge déclare que les pratiques sexuelles auxquelles les personnes présentes se sont livrées excédaient les normes de tolérance de la société.
10 juin	Une délégation de commissaires du service de police du grand Toronto demande au Comité de la justice et des affaires juridiques des Communes de faire modifier le Code criminel de façon que les prostituées n'aient plus à être reconnues coupables de racolage pressant et persistant pour être condamnées.
15 sept.	Un juge de la Cour provinciale de la Colombie-Britannique maintient le règlement de la ville de Vancouver qui interdit aux prostituées et à leurs clients de vendre ou d'acheter des services sexuels sur la voie publique.
18 sept.	Montréal: 30 arrestations sur "la Main", haut lieu de la prostitution du boulevard Saint-Laurent; au nombre des personnes arrêtées, un jeune homme de 16 ans agissant comme souteneur d'une jeune fille du même âge.
28 sept.	La décision du juge de la Cour provinciale de la Colombie-Britannique relativement à un règlement de Vancouver est portée en appel.
14 oct.	Un juge d'une cour de comté de l'Ontario renverse la condamnation d'une femme accusée d'avoir flâné sur la voie publique; il affirme que la partie publique a abusé du processus judiciaire en ayant recours à cette accusation pour empêcher les prostituées de faire du racolage.
20 oct.	Une femme de Vancouver, personne accusée est la première en vertu des dispositions du règlement anti-prostitution de la ville à être acquittée. Aux yeux du juge, le règlement municipal visait à interdire le racolage dans les rues de la ville, et non dans les terrains de stationnement, ce qui était le cas de l'accusée.
2 nov.	Le Comité de la justice de la Chambre des communes ne recommandera vraisemblablement pas qu'on modifie la loi sur le racolage avant que la Cour Suprême n'ait statué sur la légalité du règlement anti-prostitution de Calgary.
5 nov.	Les juges du district de Calgary ajournent les procès associés au règlement anti-prostitution de la ville; ils préfèrent attendre que la Cour Suprême se soit prononcée sur la légalité du règlement.
11 nov.	Deux prostituées poursuivent un client qui leur doit 7000\$ pour services rendus.
2 déc.	La Cour Suprême reporte à 1983 le prononcé de sa décision sur la légalité du règlement anti-prostitution de Calgary.
16 déc.	Trente femmes et quatre hommes de l'agence d'escorte Encore sont arrêtées et accusées de prostitution.

(Suite)

- 6-22 mai Le procureur général de la Colombie-Britannique déclare que le nom des personnes accusées d'une infraction devrait être rendu public. Antérieurement, le maire de Vancouver avait autorisé la partie publique à ne pas divulguer le nom des personnes qui s'étaient déclarées coupables des accusations portées contre elles en vertu des dispositions des règlements municipaux sur la prostitution et qui avaient payé leur amende avant d'être sommées à comparaître. A compter du 1er juin, le nom de ces personnes ne sera plus tu.
- 13 mai La ville de Niagara Falls adopte le premier règlement anti-prostitution de l'Ontario. La peine maximale est fixée à 2000\$, et le nom des personnes accusées aux termes du règlement ne sera pas tenu caché.
- 17 mai La Cour Suprême du Canada accepte d'entendre l'appel d'une femme de Calgary condamnée en vertu du règlement municipal qui interdit à une personne de se livrer à la prostitution sur la voie publique. Ce sera la première affaire relative à la Charte canadienne des droits et libertés que la Cour entendra.
- 19 mai Première contestation du règlement de Vancouver; la cour suspend les audiences.
- 21 mai Une dirigeante de la National Association of Women and the Law affirme que, si la prostitution est légale, il est paradoxal d'interdire le racolage.
- 25 mai La Ligue des droits des homosexuels du Québec presse le gouvernement fédéral d'abroger l'article du Code criminel qui autorise les descentes dans les maisons closes.
- 2 juin La vice-présidente du Comité national d'action sur le statut de la femme réclame la légalisation de la prostitution et affirme que les femmes doivent avoir le contrôle de leur profession. A ses yeux, les lois sur la prostitution sont sources, pour ces femmes, de harcèlement policier et judiciaire.

PROSTITUTION - 1982		(Suite)
12-15	Procès d'un couple accusé d'avoir tenu une maison de prostitution, dans une tente de cirque montée dans un terrain de camping qui leur appartenait, près de Hamilton.	7 janv.
7-8 fév.	Un spécialiste des questions hôtelières affirme que les responsables des grands hôtels de Toronto savent que les prostituées utilisent les chambres de leurs établissements. Un agent de l'escouade des moeurs de la ville rejette cette affirmation.	25 fév.
25 fév.	Le groupe CROWE entend protester contre la présence de prostituées et de leurs clients dans leur quartier; il s'inspire en cela des actions de groupes analogues à Halifax, Montréal et Calgary et espère amener le gouvernement fédéral à agir.	25 fév.
25 fév.	La cour d'appel de l'Alberta déclare que le règlement anti-prostitution de Calgary est légal.	20 mars
20 mars	Le gouvernement fédéral accepte de créer un sous-comité spécial chargé de recommander des modifications au Code criminel en matière de prostitution.	23 mars
23 mars	Le gouvernement fédéral recommande aux villes qui font face à des problèmes de prostitution d'adopter des règlements semblables à celui de Calgary.	4 avril
4 avril	Un jury déclare un homme coupable d'avoir causé la mort par strangulation d'une prostituée.	6 avril
6 avril	Le conseil municipal de Vancouver adopte un règlement autorisant la police à donner une contravention aux personnes prises à acheter ou vendre des services sexuels sur la voie publique. La peine maximale est fixée à 2000\$.	13 avril
13 avril	La ville de Vancouver met à l'essai son nouveau règlement en signifiant une assignation à trois femmes soupçonnées de prostitution et à huit clients présumés.	21 avril
21 avril	Le ministre de la Justice, Jean Chrétien, annonce qu'il compte demander au Comité de la Justice des Communes de faire une étude spéciale sur le problème de la prostitution au pays.	23 avril
23 avril	Le groupe CROWE manifeste dans le quartier ouest de Vancouver, des attaques sont lancées contre le gouvernement fédéral; la police recommande aux prostituées de ne pas se tenir sur la voie publique.	26 avril
26 avril	Un tribunal de la circulation de Vancouver impose pour la première fois une peine à un homme reconnu coupable d'avoir tenté d'acheter les services d'une prostituée. L'amende s'élève à 300\$.	

PROSTITUTION - 1981

(Suite)

- 19 nov. Le premier homme de Winnipeg accusé d'avoir sollicité une femme-agent d'infiltration est acquitté. Le juge n'est pas convaincu que son attitude a été pressante et persistante.
- 26 nov. Les porte-parole du groupe CROWE affirment que la présence de prostituées dans le secteur ouest de Vancouver est à l'origine de l'accroissement de la violence qu'on y observe; ils soutiennent que la ville a réagi, mais que le gouvernement fédéral n'a rien fait.
- 27 nov. Les maires de huit des principales villes du Canada s'entendent pour demander au gouvernement fédéral de rendre plus strictes les lois sur le racolage.
- 30 nov. Le maire de Vancouver, Michael Harcourt, rejette l'idée d'attribuer des permis aux maisons de prostitution.
- 1^{er} déc. La Cour Suprême du Canada demande au Parlement de rendre plus strictes les dispositions de la loi relatives au racolage. La recommandation est formulée dans un jugement aux termes duquel deux prostituées de Vancouver sont déclarées non coupables de racolage. Les juges ont en effet estimé qu'exercer son métier avec énergie ne constitue pas une forme de sollicitation persistante.
- 11 déc. La Cour supérieure du Québec déclare invalide le règlement anti-prostitution de la ville de Montréal, le règlement 5464, et annule la condamnation, par la cour municipale de Montréal, de deux prostituées.
- 16 déc. Le ministre de la Justice, Jean Chrétien, recommande à ses homologues provinciaux de lutter contre la prostitution en adoptant des lois sur l'interdiction de flâner.
- PROSTITUTION - 1982
- 6 janv. Le service de santé de Toronto abolit une pratique du ministère de la Santé vieille de 50 ans selon laquelle les personnes accusées de crimes d'ordre sexuel devaient subir un test de maladies vénériennes.
- 7 janv. Des policiers de l'escouade des moeurs sont accusés d'avoir utilisé les services de prostituées.
- 12 janv. Le deuxième homme accusé à Winnipeg d'avoir sollicité une femme-agent d'infiltration est acquitté: son attitude n'aurait pas été pressante, ni persistante.

PROSTITUTION - 1981
(Suite)

- 9 juill. La police de Calgary porte une première accusation en vertu du règlement sur le racolage nouvellement adopté par la ville.
- 10 juill. Une étude du ministère de la Justice du Québec montre qu'il pourrait y avoir 5,000 jeunes se livrant à la prostitution dans la région de Montréal.
- 26 juill. La police fait une descente dans un terrain de camping privé de la région de Hamilton et porte plus de 200 accusations; un couple est accusé d'avoir tenu une maison close, et d'autres personnes, de s'y être trouvées.
- 31 juill. Les maires de Montréal et de Toronto estiment que les lois utilisées dans la répression de la prostitution ne sont pas assez sévères. Ils comptent exercer des pressions sur Ottawa pour faire modifier le Code criminel.
- 25 août Des résidents de Niagara Falls s'opposent à la présence de prostituées dans leur quartier.
- 26 août Une femme-agent d'infiltration de la police de Winnipeg porte des accusations de racolage contre dix hommes.
- 11 sept. Un homme de Winnipeg plaide coupable à l'accusation d'avoir incité à la débauche une femme-agent d'infiltration; il est condamné à une amende de 300\$ plus les frais.
- 29 sept. Un groupe de résidents du quartier ouest de Vancouver (le groupe CROWB) exerce des pressions pour faire interdire le racolage dans leur quartier.
- 7 oct. Le règlement sur le racolage public à Calgary est jugé illégal.
- 10-14 oct. La directrice d'un centre de détresse et d'accueil de fugitifs de Vancouver décrit les expériences de jeunes prostituées. Elle explique qu'elle a essayé d'obtenir des fonds publics pour créer un centre de garde à long terme d'adolescentes se livrant à la prostitution ou qui risquaient de le faire.
- 23 oct. Un policier de Victoria affirme que la prostitution et la violence qui y est associée se développent à Victoria.
- 30 oct. Le bureau du procureur général de l'Alberta décide de réclamer la réformation du jugement invalidant le règlement anti-prostitution de la ville de Calgary.

(Suite)

- 23 mai Le service de police de Calgary rejette l'idée d'attribuer des permis aux prostituées et propose plutôt l'adoption d'un règlement municipal en vertu duquel il serait interdit de flâner dans les rues de la ville en vue de s'y prostituer.
- 25 mai Une adolescente de Vancouver âgée de 14 ans est accusée d'avoir tenu une maison de prostitution. Elle la plus jeune personne à avoir fait face à une telle accusation en Colombie-Britannique.
- 26 mai L'ex-proprétaire d'un salon de massage de Winnipeg est reconnu coupable d'avoir dirigé quatre maisons closes; il est condamné à une amende de 100,000\$ ou à une peine d'emprisonnement de deux ans. L'amende serait la plus élevée qui ait été imposée à un particulier pour une telle infraction. Les trois juges déclarent qu'elle devrait exercer un effet de dissuasion sur l'accusé et d'autres personnes, et leur montrer que la société ne tolérera plus l'existence des maisons de prostitution.
- 30 mai La police d'Edmonton fait une descente dans un établissement de bains fréquenté par des homosexuels, prétextant qu'elle soumettait une maison de prostitution à une enquête courante. Les homosexuels mettent l'explication en doute.
- 6 juin Les résidents des quartiers ouest de Vancouver manifestent contre la prostitution, proposent qu'on marque les automobiles des clients et qu'on en prenne des photographies.
- 9 juin A l'occasion de la conférence de la Fédération canadienne des municipalités, le maire de Toronto, Arthur Eggleton, affirme que la prostitution se développe dans sa ville. Trois conseillers municipaux sont d'avis contraire.
- 12 juin Deux employés d'un club de Toronto pour homosexuels (The Barracks) sont reconnus coupables d'avoir tenu une maison close, alors que trois des dirigeants du club sont acquittés de la même accusation.
- 18 juin Le conseil municipal de Calgary adopte deux règlements aux termes desquels il devient illégal de se tenir sur ou à proximité d'une rue pour s'y prostituer.
- 19 juin Cour Suprême: deux prostituées abordant huit hommes ne font pas du racolage pressant ni persistant.
- 23 juin Vancouver. Un homme est arrêté en compagnie d'une prostituée de 14 ans; son nom n'est pas dévoilé.
- 24 juin Les deux employés du club "The Barracks" reconnus coupables d'avoir tenu une maison close sont libérés sous condition.
- 29 juin Montréal: premières arrestations en vertu du nouveau règlement municipal aux termes duquel il est interdit pour un homme d'aborder une prostituée sur la place publique et de lui offrir de l'argent pour ses services.

CHRONOLOGIE

PROSTITUTION - 1981

- 2 janv. Un agent d'infiltration de Toronto agissant pour le compte de la police déclare qu'il a eu à plusieurs reprises des rapports sexuels avec des prostituées, aux frais du public, pour recueillir des preuves (il avait déjà admis la chose en septembre 1980).
- 9-15 janv. Une jeune prostituée meurt à Vancouver.
- 13 janv. Le juge en chef de la cour municipale de Montréal confirme la légalité du règlement montréalais.
- 16 janv. Une association d'avocats en droit criminel demande une enquête sur l'utilisation, par la police, de simples citoyens, dans des enquêtes sur les activités sexuelles illégales.
- 31 janv. Le solliciteur général du Canada invite la ville de Vancouver à adopter un règlement semblable à celui de Montréal (même si le règlement est contesté en Cour Suprême).
- 3 fév. Le maire de Vancouver rejette l'idée, le conseiller juridique de la ville ayant affirmé que le règlement serait inconstitutionnel.
- 5 fév. La police de Toronto fait des descentes dans quatre bains publics.
- 17 fév. Le président du service de santé de la ville de Toronto demande la préparation d'un rapport sur la pratique qui consiste à soumettre les tenanciers de maisons de prostitution à des tests de maladies vénériennes, après que deux médecins aient affirmé que les tests servaient surtout à harceler les homosexuels.
- 20 fév. Le vice-président du service de police de Calgary évoque la possibilité d'attribuer des permis aux prostituées pour réglementer la prostitution.
- 20 mars Tenancier d'une maison de prostitution confondu avec un juge de la Cour Suprême.
Juge mal nommé dans les mémoires de la prostituée Wendy King.
Le juge accuse King et son éditeur de libelle.
- 24 avril Des prostituées de Vancouver apposent sur l'enseigne d'un coiffeur du quartier chinois des messages d'avertissement sur les clients brutaux.
- 1er mai Quatre hommes de Halifax-Dartmouth plaident coupables à des accusations de proxénétisme.

12 janv.	Découverte, à Montréal, d'un réseau de prostitution comprenant des jeunes.
21 mars	Découverte, à Montréal, d'un réseau de prostitution d'adolescents.
26 mai	Le conseil municipal de Montréal adopte un règlement interdisant le racolage public.
28 mai	La ville de Vancouver s'intéresse au règlement montréalais.
28 mai	Les autorités de la police de Montréal demandent aux policiers de ne pas mettre immédiatement en application le règlement anti-racolage.
5 juin	Les chefs de police du Canada réclament des lois anti-prostitution plus sévères.
6 juin	Une jeune prostituée conteste le règlement en Cour supérieure du Québec.
26 juill.	Pour la première fois en trois mois, deux femmes du quartier Georgia/Hornby de Vancouver sont accusées de racolage "pressant et persistant".
12 sept.	Le ministre fédéral de la Justice rend public un projet de modification du Code criminel.
23 et 24 oct.	Un juge de Vancouver décline toute responsabilité en matière de prostitution juvénile.
16 déc.	Des féministes québécoises s'indignent de l'inaction des tribunaux, qui refusent de poursuivre les clients des prostituées.
20 déc.	Vancouver. Pour la première fois depuis quatre mois, une femme, originaire des États-Unis, est accusée de racolage.

CHRONOLOGIE

- 1^{er} mars La National Association of Women and the Law s'oppose à un projet de loi aux termes duquel le racolage n'aurait plus à être persistant. Le projet a été déposé en réponse aux plaintes formulées par des grandes villes du pays.
- 16 mai Suivant en cela l'exemple de Toronto, la police de Vancouver harcèle les femmes en leur imposant des contraventions.
- 6 juin La police applique strictement le règlement; prostituées chassées des rues; efforts de redéfinition de l'expression "pressant et persistant" par divers moyens.
- 5 juillet Création, à l'intention des jeunes du TRACY.
- 16 août Affaire Allen: le juge affirme que, pour exercer leur activité, les prostituées doivent aborder leurs clients. Accusation retirée. (Vancouver)
- 7 sept. Affaire Rothwell: le juge affirme que la prostituée qui marchande n'enfreint pas la loi, mais fait preuve d'astuce.
- 19 sept. Découverte d'un réseau de prostitution en activité depuis environ 5 semaines.
- 10 oct. Affaire King: le juge ordonne l'apposition des scellés sur les carnets de notes et les bandes magnétiques.
- 24 oct. Affaire King: condamnation, amende, libération conditionnelle et travail communautaire.

18 janv.	Le ministre fédéral de la Justice s'engage à apporter des modifications à la loi concernant la prostitution.
7 fév.	Une voiture de police banalisée ne peut être assimilée à un lieu public. Cassation du jugement de condamnation prononcé dans l'affaire Hutt; racolage non pressant ni persistant.
8 fév.	Le ministre de la Justice rend publiques les modifications qu'il entend apporter au Code criminel au chapitre de la prostitution et de la pornographie (lois plus sévères ou redéfinies).
22 fév.	Réseau de prostitution découvert à Montréal.
7 mars	La Cour Suprême refuse d'entendre l'appel du jugement d'acquiescement de l'affaire Penthouse.
11 mars	La police et le maire de Vancouver se trouvent dans l'obligation de retirer 280 accusations de racolage et se plaignent de l'attitude du gouvernement fédéral.
14 mars	Le maire et la police de Vancouver craignent une guerre de souteneurs.
17 mars	Vancouver. Deux hommes sont condamnés à six mois d'emprisonnement pour avoir tiré des revenus de la prostitution d'autrui; l'un d'eux est trouvé coupable de proxénétisme.
19 avril	Acquiescement d'un homme maintenu; seules les femmes peuvent être accusées de racolage.
21 avril	Vancouver. Augmentation de la prostitution depuis l'affaire Hutt; la police surveille plus étroitement les maisons closes et les souteneurs.
22 avril	Accroissement du nombre de prostituées en provenance des États-Unis suite à la décision prise dans l'affaire Hutt; Vancouver est devenue le "paradis des racoleuses".
2 mai	Le fédéral propose que les termes "pressant" et "persistant" soient retirés de la définition du racolage.
2 mai	Des adolescentes américaines sont amenées de force à Vancouver, entraînées à la débauche, torturées et gardées en captivité. Les ravisseurs appartiennent au crime organisé.
15 juin	Nouvelles lois fédérales et réorientation de l'approche de Vancouver réclamées par des gens d'affaires locaux. Le racolage serait devenu à Vancouver un véritable "problème" attribuable à la décision Hutt.
19 juin	Des résidents des quartiers ouest de Vancouver se plaignent du bruit causé par la présence des prostituées.
28 juin	Discussion avec le ministre de la Justice au sujet des modifications à apporter au Code criminel: la police et le gouvernement fédéral ne parviennent pas à s'entendre. (Vancouver)

49. Justification de la pornographie: la pornographie serait nécessaire ou souhaitée.
50. Aspects économiques de la pornographie: importance de l'industrie, etc.
51. Activité des groupes de pression qui s'opposent à la pornographie.
52. Pornographie en général: sujet ne tombant dans aucune des catégories ci-dessus.
53. Couverture de la pornographie par les media.

LISTE DE SUJETS - PORNOGRAPHIE

31. Législation fédérale.
32. Législation provinciale.
33. Législation municipale.
34. Législation - champ de compétence: autorités fédérales, provinciales ou municipales.
35. Législation - application de la loi: pouvoirs, actions et attentes de la police.
36. Législation: problèmes associés à la définition de la pornographie ou de l'obscénité.
37. Descentes de la police.
38. Saisie de matériel par la police.
39. Arrestations effectuées par la police.
40. Affaires portées en cour.
41. Décisions des tribunaux.
42. Censure: matériel censuré ou interdit, demandes d'interdiction, controverses suscitées par la question de la censure.
43. Censure et libertés civiles: liberté d'expression et liberté d'accès à l'information.
44. Attribution de permis (par opposition à la censure).
45. Attribution de permis et libertés civiles: liberté d'expression et liberté d'accès.
46. Effets psychologiques de la pornographie: néfastes ou non, présumés ou réels, liens avec la violence ou le viol commis.
47. Pornographie et image de la femme.
48. Pornographie juvénile.

18. Justification de la prostitution: la prostitution serait nécessaire ou souhaitée.
19. Gains des prostituées (expression d'idées ou échange sur les gains approximatifs des prostituées).
20. Activité des groupes de pression qui s'opposent à la prostitution pour quelque raison que ce soit ou qui cherchent à en améliorer les conditions d'exercice.
21. Prostituées exprimant des opinions sur elles-mêmes.
22. Solution proposée: légalisation de l'exercice contrôlé de la prostitution.
23. Solution proposée: légalisation sans restriction de la prostitution.
- 24.
25. Prostitution en général: sujet ne tombant dans aucune des catégories ci-dessus.

LISTE DE SUJETS - PROSTITUTION

1. Législation fédérale.
2. Législation provinciale.
3. Législation municipale.
4. Législation - champ de compétence: autorités fédérales, provinciales ou municipales.
5. Législation - application de la loi: pouvoirs, actions et attentes de la police.
6. Législation: problèmes associés à la définition du racolage et aux aspects criminels de la prostitution.
7. Arrestations effectuées par la police.
8. Harcèlement de la police, quelle que soit l'origine des commentaires.
9. Affaires portées devant les tribunaux.
10. Décisions des tribunaux.
11. Prostitution homosexuelle.
12. Prostitution juvénile.
13. Effets psychologiques de la prostitution: néfastes ou non, présumés ou réels, sur les prostituées ou sur d'autres.
14. Effets économiques de la prostitution: néfastes ou non, présumés ou réels, sur le commerce ou le tourisme.
15. Conditions d'offre: analyse des tendances, des secteurs ou des établissements que les prostituées devraient ou ne devraient pas fréquenter, perturbation de la circulation, source d'agitation.
16. Violence et prostitution: meurtres, viols, crimes associés à la drogue.
17. Prostitution et crime organisé: lien explicite dans l'article.

APPENDICE

CONCLUSION

Cette étude visait à répertorier les sujets associés à la prostitution, dans la presse, de la prostitution et de la pornographie. C'est ce qui explique que nous ayons eu recours à un codage détaillé reposant non seulement sur une collecte d'articles consacrés à un sujet donné, mais sur un véritable recensement de sujets soulevés, aussi nombreux soient-ils, dans la mesure où ils n'étaient pas uniquement effleurés. Nous avons procédé de la même façon dans le cas des sources de commentaires, dans l'espoir de clairement faire ressortir les personnes ou les groupes le plus souvent cités et de mettre en évidence, le cas échéant, les sources le mieux représentées. Nous nous proposons également d'isoler les principaux événements couverts. Cet exercice terminé, nous avons échantillonné un certain nombre d'articles et étudié les opinions qui y étaient exprimées dans le but de déterminer la position des principaux intervenants.

Comme nous l'avons déjà signalé, la couverture des media est dominée, dans le cas de la prostitution, par la question du contrôle de la prostitution, et par la présence des représentants des milieux législatifs, judiciaires et policiers. Dans le cas de la pornographie, la présence des groupes de citoyens est prépondérante; ils sont cependant suivis de près par les milieux législatifs. Les sujets abordés, par contre, portent simultanément sur des questions d'ordre juridique, social et politique. La pornographie et ses effets font également l'objet de nombreux articles.

On pourrait donc dire que le cadre de référence qui caractérise le mieux la couverture de chaque sujet est en fait davantage fixé par ceux qui se font le plus entendre que par les sujets eux-mêmes ou les sources consultées. A mon avis, c'est là le fait saillant de cette étude.

L'utilisation relativement fréquente, dans les journaux de langue anglaise, de l'expression "kiddieporn" - fût-ce, à l'occasion, entre guillemets - sert apparemment à donner de la couleur ou du mordant à certains articles, et ce, au détriment du sérieux du sujet. Elle est principalement utilisée dans les titres. Contrairement au terme "hooker" utilisé dans le domaine de la prostitution, l'expression n'a pas de connotation spécifique. Nous estimons cependant qu'elle dénote une forme d'indulgence, particulièrement si l'on songe au fait qu'elle s'applique à un produit de consommation. Nous ne prétendons pas que les journalistes l'utilisent consciemment en ce sens. Nous estimons simplement que, dans ce cas, la recherche de l'effet nuit au sérieux du sujet traité. Nous tenons cependant à ajouter qu'il s'agit là d'une interprétation, l'expression n'ayant pas de connotation aussi claire que le terme "hooker".

6. La pornographie soit disant douce peut en fait être plus dangereuse que la pornographie dite dure. Par son caractère faussement badin, elle renforce insidieusement les stéréotypes masculins dont il a été question en 1 ci-dessus. Un magazine comme Playboy a des effets aussi néfastes que la pornographie dure.
 5. Le débat qui entoure la question de l'obsécénité est si intimement lié à l'interprétation qu'on en donne et caractérisé par une telle diversité de valeurs et de points de vue qu'on risquerait, en voulant en donner une définition plus claire, d'exercer une action répressive, de mettre la liberté en péril.
- Cette position est adoptée dans 10.4% des cas. Elle l'est principalement par les législateurs fédéraux (40%) et les représentants d'associations de distributeurs de livres et de magazines (30%).
- Cette position est adoptée dans 5.2% des cas. Elle l'est principalement par des groupes en lutte contre la pornographie (75%).

Les principales positions adoptées par les éléments de l'échantillon sont présentées par ordre de fréquence décroissant et par source.

Le chiffre correspondant à la position adoptée équivaut à la proportion de l'ensemble de l'échantillon qu'il représente. Dans le cas de la source, les chiffres indiqués correspondent à la part des sources exprimant une même opinion représentée par une source donnée.

1. Le matériel pornographique comporte une foule de stéréotypes masculins. Les images de la femme qui y sont présentées ont un caractère masochiste et dégradant; la violence y est présentée comme une chose "souhaitée". Par les images qu'elle véhicule, la pornographie est très probablement une source de violence, une cause de viol.

Cette position est adoptée dans 27.3% des cas. Elle l'est principalement par des groupes de femmes (46.1%).

2. Le concept de l'obsécénité doit être redéfini. Une meilleure définition de l'obsécénité faciliterait l'application de la loi et la condamnation des coupables. A moins que la société ne préfère laisser les choses couvrir, l'application de la loi doit pouvoir reposer sur des bases beaucoup plus claires.

Cette position est adoptée dans 26% des cas. Elle l'est principalement par des législateurs provinciaux (27.3%), des avocats (22.7%) et des distributeurs (14%).

3. La pornographie mettant en cause des enfants doit tout simplement être éliminée. Comme les mineurs ne peuvent être légalement tenus responsables de leurs actes, leur exploitation constitue un véritable scandale.

Cette position est adoptée dans 16.9% des cas. Elle l'est principalement par des législateurs fédéraux (85.7%).

4. La dégradation associée à la pornographie n'a pas uniquement un caractère négatif parce qu'elle renforce l'image stéréotypée de la femme, mais aussi, et surtout, parce qu'elle heurte les valeurs sociales qui constituent le fondement même d'une société pluraliste, démocratique et égalitaire. Le concept de l'obsécénité doit donc être débarrassé de ses aspects strictement sexuels et élargi de manière à englober la dégradation de l'individu et les droits de la personne.

Cette position est adoptée dans 14.3% des cas. Elle l'est principalement par des législateurs fédéraux (41.7%).

TABLÉAU 16 Fréquence des sources de commentaires dans les articles sur la pornographie, par rang, 1978-1983

Journaliste	163
Distributeur de matériel pornographique	122
Groupe de femmes	113
Législateur fédéral	111
Police	107
Législateur provincial	103
Avocat	85
Juge	57
Conseiller municipal	56
Organisme de réglementation	49
Autre groupe	32
Groupe d'appui	32
Producteur de matériel pornographique	19
Mouvement religieux	17
Monde des affaires	11
Groupe de résidents	10
Acteur	9
Client	8
Groupe juridique	2

1982	1. Distributeur de porno	45	1. Journaliste	78
	2. Groupe de femmes	37	2. Groupe de femmes	62
	3. Police	30	3. Législateur fédéral	54
	4. Législateur fédéral	29	4. Distributeur de porno	53
	5. Journaliste	28	5. Conseiller municipal	44
	6. Avocat	20	6. Législateur provincial	43
	7. Conseiller municipal	17	7. Police	37
	8. Législateur provincial	15	8. Juge	34
	9. Organisme de réglementation	7	9. Avocat	34
	10. Autre groupe	6	9. Organisme de règlement-	30
	11. Juge	5	10. Autre groupe	16
	12. Acteur	4	11. Groupe religieux	9
	13. Groupe de résidents	3	12. Monde des affaires	8
	14. Monde des affaires	3	13. Groupe de résidents	6
	15. Groupe juridique	1	14. Producteur de porno	4
			15. Client	3
			16. Groupe juridique	0
1983				
	1. Distributeur de porno	45	1. Journaliste	78
	2. Groupe de femmes	37	2. Groupe de femmes	62
	3. Police	30	3. Législateur fédéral	54
	4. Législateur fédéral	29	4. Distributeur de porno	53
	5. Journaliste	28	5. Conseiller municipal	44
	6. Avocat	20	6. Législateur provincial	43
	7. Conseiller municipal	17	7. Police	37
	8. Législateur provincial	15	8. Juge	34
	9. Organisme de réglementation	7	9. Avocat	34
	10. Autre groupe	6	9. Organisme de règlement-	30
	11. Juge	5	10. Autre groupe	16
	12. Acteur	4	11. Groupe religieux	9
	13. Groupe de résidents	3	12. Monde des affaires	8
	14. Monde des affaires	3	13. Groupe de résidents	6
	15. Groupe juridique	1	14. Producteur de porno	4
			15. Client	3
			16. Groupe juridique	0

TABLEAU 15 Fréquence des sources de commentaires dans les articles sur la pornographie, par rang et année

	1978	1979	1980	1981
1. Législateur fédéral	23	1	16	36
2. Journaliste	20	5	13	19
3. Police	16	4	12	7
4. Avocat	10	4	11	5
5. Législateur provincial	7	4	8	5
Distributeur de matériel pornographique	7	4	5	5
6. Mouvement religieux	5	3	4	5
7. Conseiller municipal	4	2	3	4
Producteur de matériel	4	0	3	4
8. Juge	3	0	5	4
Organisme de règlement-tation	3	0	3	4
Autre groupe	3	0	3	3
Groupe d'appui	3	0	3	3
9. Groupe de femmes	2	0	2	2
10. Monde des affaires	1	0	1	0
Groupe juridique	1	0	0	0
11. Groupe de résidents	0	0	0	0
Acteur	0	0	0	0
Client	0	0	0	0
1. Journaliste	6	1	16	36
2. Groupe de femmes	5	5	12	19
3. Police	4	4	13	7
4. Avocat	2	3	11	5
5. Législateur fédéral	1	2	8	5
6. Mouvement religieux	4	0	5	5
7. Conseiller municipal	4	0	4	5
Distributeur de matériel	4	0	5	5
8. Juge	3	0	4	5
Organisme de règlement-tation	3	0	3	4
Autre groupe	3	0	3	4
Groupe d'appui	3	0	3	4
9. Groupe de femmes	2	0	2	2
10. Monde des affaires	1	0	1	0
Groupe juridique	1	0	0	0
11. Groupe de résidents	0	0	0	0
Acteur	0	0	0	0
Client	0	0	0	0

TABLEAU 14 Fréquence des sujets relatifs à la pornographie, par rang, 1978-1983

Rang	Fréquence	Code	Sujet
1	179	52	Général
2	156	51	Activités des groupes de pression
3	136	31	Législation fédérale
4	135	36	Définition de la pornographie
5	131	46	Effets psychologiques
6	107	42	Censure
7	106	48	Pornographie juvénile
8	94	40	Affaires portées en cour
9	91	47	Pornographie et image de la femme
10	87	43	Censure et libertés civiles
11	84	44	Attribution de permis
12	69	50	Aspects économiques de la pornographie
13	63	38	Saisie de matériel
14	60	41	Décisions de tribunaux
15	52	33	Législation municipale
16	38	32	Législation provinciale
17	33	37	Descendentes
18	25	34	Adm. publ. et législation
19	24	35	Législation et application de la loi
20	18	53	Couverture de la pornographie par les média
	18	39	Arrestations
	18	49	Justification de la pornographie
21	15	45	Attribution de permis et libertés civiles

Rang	Fréquence	Code	Sujet
1	95	51	Activités des groupes de pression
2	67	46	Effets psychologiques
3	66	52	Général
4	65	31	Législation fédérale
5	64	36	Définition de la pornographie
6	58	43	Censure et libertés civiles
7	56	42	Censure
8	54	47	Pornographie et image de la femme
9	51	44	Attribution de permis
10	44	40	Affaires portées en cour
11	38	41	Décisions de tribunaux
12	29	33	Législation municipale
13	26	38	Saisie de matériel
14	25	32	Législation provinciale
15	20	48	Pornographie juvénile
16	18	34	Aspects économiques de la pornographie
17	14	37	Adm. publ. et législation
18	14	53	Descentes
19	13	35	Couverture de la pornographie par les média
20	10	45	Législation et application de la loi
21	8	49	Arrestations
22			Attribution de permis et libertés civiles
23			Justification de la pornographie

1983

Rang	Fréquence	Code	Sujet
1	41	51	Activités des groupes de pression
2	33	31	Législation fédérale
3	29	36	Pornographie juvénile
4	26	46	Effets psychologiques
5	25	42	Censure
6	23	47	Pornographie et image de la femme
7	22	50	Aspects économiques de la pornographie
8	16	38	Saisie de matériel
9	15	33	Législation municipale
10	10	43	Censure et libertés civiles
11	9	32	Législation provinciale
	9	37	Descendentes
12	7	34	Affaires portées en cour
	7	41	Adm. publ. et législation
	7	44	Décisions de tribunaux
13	4	35	Attribution des permis
	4	39	Législation et application de la loi
	4	39	Arrestations
14	2	49	Justification de la pornographie
15	1	45	Attribution de permis et libertés civiles
16	0	53	Couverture de la pornographie par les media

TABEAU 13
Suite

Rang	Fréquence	Code	Sujet
1	44	52	Général
2	15	48	Pornographie juvénile
3	9	40	Affaires portées en cour
4	6	42	Censure
	6	43	Censure et libertés civiles
	6	47	Pornographie et image de la femme
	6	50	Aspects économiques de la pornographie
5	4	38	Saisie de matériel
	4	41	Décisions de tribunaux
6	3	37	Descendentes
	3	53	Couverture de la pornographie par les media
7	2	35	Législation et application de la loi
	2	36	Définition de la pornographie
8	1	44	Attribution de permis
	1	39	Arrestations
9	0	49	Justification de la pornographie
	0	31	Législation fédérale
	0	32	Législation provinciale
	0	33	Législation municipale
	0	34	Adm. publ. et législation
	0	45	Attribution de permis et libertés civiles

1981

TABLEAU 13
Suite

Rang	Fréquence	Code	Sujet
1	20	40	Affaires portées en cour
2	12	44	Attribution de permis
3	8	46	Effets psychologiques
	8	52	Général
4	6	38	Saisie de matériel
	6	42	Censure
	6	50	Aspects économiques de la pornographie
	6	51	Activités des groupes de pression
5	5	57	Descendentes
	5	48	Pornographie juvénile
6	4	41	Décisions de tribunaux
7	3	31	Législation fédérale
	3	36	Définition de la pornographie
8	2	33	Législation municipale
	2	45	Attribution de permis et libertés civiles
9	1	35	Législation et application de la loi
	1	39	Arrestations
	1	43	Censure et libertés civiles
	1	47	Pornographie et image de la femme
	1	49	Justification de la pornographie
10	0	32	Législation provinciale
	0	34	Adm. publ. et législation
	0	53	Couverture de la pornographie par les média

1980

1979

Rang	Fréquence	Code	Sujet
1	8	36	Définition de la pornographie
	8	44	Attribution de permis
	8	52	Général
2	7	48	Pornographie juvénile
3	5	33	Législation municipale
	5	42	Censure
4	4	31	Législation fédérale
	4	46	Effets psychologiques
	4	51	Activités des groupes de pression
5	3	47	Pornographie et image de la femme
	3	50	Aspects économiques de la pornographie
6	2	38	Saisie de matériel
	2	43	Censure et libertés civiles
	2	41	Décisions de tribunaux
7	1	32	Législation provinciale
	1	35	Législation et application de la loi
	1	39	Arrestations
	1	49	Justification de la pornographie
	1	53	Couverture de la pornographie par les media
8	0	34	Adm. publ. et législation
	0	37	Descendentes
	0	40	Affaires portées en cour
	0	45	Attribution de permis et libertés civiles

TABLEAU 13 Fréquence des sujets relatifs à la pornographie, par rang et année

1978

Rang	Fréquence	Code	Sujet
1	31	31	Législation fédérale
2	29	36	Définition de la pornographie
3	26	48	Pornographie juvénile
4	17	46	Effets psychologiques
5	12	40	Affaires portées en cour
	12	50	Aspects économiques de la pornographie
	12	52	Général
6	10	43	Censure et libertés civiles
7	9	38	Saisie de matériel
	9	42	Censure
8	5	41	Décisions de tribunaux
	5	49	Justification de la pornographie
9	4	44	Attribution de permis
	4	51	Activités des groupes de pression
	4	47	Pornographie et image de la femme
10	3	32	Législation provinciale
	3	35	Législation et application de la loi
11	2	37	Descendentes
	2	45	Attribution de permis et libertés civiles
12	1	33	Législation municipale
13	0	34	Adm. publ. et législation
	0	39	Arrestations
	0	53	Couverture de la pornographie par les media

- 58 -

TABLEAU 11
Suite

<u>1983</u>											
J	F	M	A	M	J	J	A	S	O	N	D
Total											
9	3	2	5	6	10	1	-	2	1	3	2
Vancouver Sun											
-	-	3	-	2	1	-	1	3	-	-	2
Calgary Herald											
4	-	1	-	1	4	-	-	1	8	10	3
Winnipeg Free Press											
5	9	5	8	10	4	4	6	6	4	10	4
Toronto Star											
18	4	12	7	12	5	8	3	4	10	8	21
Globe and Mail											
11	4	3	8	5	7	-	7	3	8	8	51
La Presse											
-	2	1	-	-	-	-	-	-	-	2	1
Le Devoir											
Halifax Chronicle Herald											
7	-	3	1	1	1	1	2	2	-	1	3
Herald											
23											

TABLEAU 11
Suite

	J	F	M	A	M	J	J	A	S	O	N	D	Total
Vancouver Sun	1	-	2	2	1	5	-	2	1	5	10	4	33
Calgary Herald	-	-	-	4	-	-	1	-	1	-	-	-	6
Winnipeg Free Press	-	1	2	-	-	-	2	-	-	3	1	1	10
Toronto Star	1	2	2	2	1	1	2	1	1	1	-	1	15
Globe and Mail	3	1	2	-	5	1	6	4	2	3	1	4	33
La Presse	-	6	13	1	3	6	2	5	1	1	-	6	44
Le Devoir	1	-	1	-	-	-	2	1	-	-	-	-	5
Halifax Chronicle Herald	-	1	1	-	-	3	2	-	-	-	1	-	8

1982

TABLÉAU 11
Suite

	J	F	M	A	M	J	J	A	S	O	N	D	Total
Vancouver Sun	-	-	-	-	-	-	-	2	-	-	-	-	3
Calgary Herald	-	-	-	-	-	-	-	2	-	1	-	1	4
Winnipeg Free Press	-	-	1	1	-	-	-	2	-	1	4	1	10
Toronto Star	-	-	-	-	-	-	-	3	1	-	5	-	9
Globe and Mail	2	1	5	1	-	3	1	5	-	-	4	2	24
La Presse	-	1	1	1	2	-	-	-	3	6	8		22
Le Devoir	-	-	-	-	-	-	-	-	-	3	3		6
Halifax Chronicle Herald	-	-	-	-	-	-	-	-	-	3	3		6

1981

	J	F	M	A	M	J	J	A	S	O	N	D	Total
Vancouver Sun	-	-	-	-	3	-	-	-	3	1	-	7	
Calgary Herald	1	-	-	-	2	-	-	1	-	-	-	4	
Winnipeg Free Press	-	-	1	1	-	1	1	-	1	2	1	-	8
Toronto Star	-	1	-	-	-	-	-	-	-	-	-	1	
Globe and Mail	1	1	-	-	2	-	1	2	1	1	-	11	
La Presse	1	6	2	2	1	1	1	-	-	2	2	19	
Le Devoir	-	-	-	-	2	-	-	-	-	-	-	2	
Halifax Chronicle Herald	-	-	-	-	-	2	-	-	-	3	1	6	

1980

	J	F	M	A	M	J	J	A	S	O	N	D	Total
Vancouver Sun	-	-	-	-	-	1	1	-	1	-	-	1	3
Calgary Herald	-	-	-	-	-	-	1	-	-	-	-	-	1
Winnipeg Free Press	3	-	-	-	-	-	1	-	-	-	-	-	4
Toronto Star	-	-	2	1	1	1	-	-	-	-	-	-	5
Globe and Mail	-	-	-	-	3	-	1	2	2	-	-	-	8
La Presse	2	1	-	-	1	1	-	-	1	-	1	-	7
Le Devoir	1	-	-	-	1	-	-	-	-	1	2	-	5
Halifax Chronicle Herald	-	-	1	-	-	-	-	-	-	-	-	-	1

1979

TABLEAU 11 Nombre d'articles sur la pornographie, par journal, année et mois

	J	F	M	A	M	J	J	A	S	O	N	D	Total
Vancouver Sun	1	-	1	2	3	-	-	2	1	-	-	-	10
Calgary Herald	-	1	1	-	-	-	-	-	-	-	-	-	2
Winnipeg Free Press	2	1	2	3	2	1	2	2	-	-	-	-	15
Toronto Star	1	6	1	1	4	-	-	-	-	-	-	-	13
Globe and Mail	2	3	2	-	2	-	1	-	1	1	-	-	12
La Presse	-	-	-	-	6	-	2	1	-	2	3	1	15
Le Devoir	-	-	-	1	1	-	-	-	1	-	1	-	4
Halifax Chronicle Herald	-	1	-	1	2	1	-	4	-	1	-	-	10

1978

TABLÉAU 9 Nombre d'articles sur la pornographie, par année

1978	81
1979	34
1980	56
1981	72
1982	154
1983	354
Total	751

TABLÉAU 10 Nombre d'articles sur la pornographie, par journal

The Vancouver Sun	95
The Calgary Herald	26
The Winnipeg Free Press	78
The Toronto Star	120
The Globe and Mail	175
La Presse	177
Le Devoir	26
The Halifax Chronicle Herald	54
Total	751

De même, les clients sont peu souvent cités, sans doute parce qu'ils n'aiment pas être interrogés sur la question. Il se peut également qu'on ne cherche pas à recueillir leur opinion.

Les données de l'échantillon sur les positions adoptées et les arguments invoqués donnent une idée de la répartition des sources citées et des opinions exprimées. Ainsi, les groupes de femmes occupent une place importante, tant du point de vue des opinions exprimées que de la proportion des sources citées qu'ils représentent. Il en va autrement dans le cas des distributeurs, car ceux-ci n'ont principalement exprimé qu'une seule opinion. Certains ont affirmé que, s'ils savaient exactement à quoi s'en tenir, leurs affaires iraient mieux, et ils auraient moins de problèmes avec la loi. D'autres ont évoqué la question des menaces à la liberté d'expression et d'accès à l'information en réponse aux pressions des groupes qui ont exigé une définition plus serrée de l'obsécénité. C'est ce qui explique qu'on les trouve dans les catégories d'opinion 2 et 5. Leur présence se ressent également par le fait que d'autres sources partagent leurs vues.

Comme on le verra dans la section consacrée à la langue, nous estimons que l'utilisation répétée, dans les journaux de langue anglaise, d'une expression comme "kiddieporn", fut-ce entre guillemets, contribue à édulcorer, même involontairement, le sens d'un terme associé à une question pourtant bien sérieuse.

La couverture de la pornographie, contrairement à celle de la prostitution, touche simultanément plusieurs sujets importants. Ainsi, les questions d'ordre législatif et juridique sont aussi abordées que les problèmes sociaux ou politiques et, qui plus est, elles le sont souvent au même titre que la pornographie elle-même ou ses effets. Par ailleurs, la pornographie n'est pas tant assimilée à un fléau - ce qui semble être le cas de la prostitution - qu'à un mal social inévitable.

La prééminence de l'activité des groupes de pression et du problème de la définition de l'obsécénité explicite, par les liens qu'elle a avec l'appel à la résistance à la législation fédérale, la question de la censure et le problème, selon certains groupes de pression - notamment des groupes de femmes - des effets psychologiques négatifs de la pornographie, la fréquence avec laquelle la question de la pornographie est abordée dans les journaux (cf. tableau 14). Comme nous l'avons montré dans notre présentation année par année de la couverture de la pornographie, l'activité des groupes de pression, et notamment des groupes de femmes, est plus souvent abordée à la fin de la période étudiée, même si elle était déjà très sensible dans les premières années.

Les sources de commentaires qui reviennent le plus souvent présentent une composition analogue à celle des sujets abordés. Ainsi, les journalistes - qui rédigent des éditoriaux ou commentent la nouvelle et occupent, de ce fait, une place prééminente - sont suivis par les distributeurs de matériel pornographique et les groupes de femmes. Cela tient en partie à l'intensification, ces dernières années, de la lutte menée contre la pornographie par les groupes de femmes, et à la réaction de défense des distributeurs.

Les législateurs ainsi que les représentants des milieux judiciaires et policiers constituent des sources souvent citées; ils sont cependant précédés - si l'on excepte les journalistes - par deux groupes de citoyens. On peut donc raisonnablement supposer que la question de la pornographie - surtout en 1983, où on a consacré environ 100 articles de plus à la pornographie qu'à la prostitution et environ 200 articles de plus à la question qu'en 1982 - a plus souvent été mise sur le tapis du fait des pressions des citoyens qu'en raison des initiatives des législateurs ou des représentants des milieux policiers ou judiciaires. Il convient cependant de signaler que, dans les premières années, ces groupes occupaient les premiers rangs. À la fin de la période, toutefois, l'accroissement de la couverture de la pornographie renverse la situation.

Du point de vue du contexte géographique, la couverture est fonction de l'endroit où les principaux événements se produisent. Ainsi, la couverture des journaux est souvent fonction de la nature des événements survenus dans la région desservie.

À titre de phénomène social, la justification de la pornographie n'est pas un sujet qui revient souvent, sans doute parce que l'importance accordée au débat "liberté d'expression/censure" le rend inutile.

Les sources de commentaires le plus souvent citées ou rapportées sont les journalistes, les groupes de femmes, les législateurs fédéraux, les distributeurs de matériel pornographique, les conseillers municipaux, les législateurs provinciaux et les représentants de la police. Ces derniers ont perdu la place qu'ils occupaient, sans doute parce que dans une large mesure la couverture a été axée sur l'activité des groupes de citoyens.

Les sujets le moins souvent abordés sont les arrestations, l'attribution de permis et les libertés civiles ainsi que la justification de la pornographie. Les sources de commentaires le moins souvent citées ou rapportées sont les producteurs de matériel pornographique, les acteurs et les clients.

La Presse, janvier, avril et octobre-novembre

En janvier, la couverture de La Presse porte principalement sur la question de la télévision payante et sur les protestations de groupes de femmes et de citoyens d'importance au Québec.

En avril, le journal consacre un certain nombre d'articles à la question du classement des films et aux pressions exercées par des groupes de femmes sur la ministre québécoise responsable du statut de la femme; on veut inciter le gouvernement à rendre plus sévère le classement des films ou à faire juger les films par un office sensible aux vues des groupes de citoyens préoccupés par la question de la pornographie.

En octobre et en novembre, le journal fait état de la condamnation unanime, par le conseil municipal de Montréal, de l'affichage de matériel pornographique dans la ville. Le journal consacre des articles à la dénonciation de cet affichage par des groupes de citoyens. Autrement, la couverture a un caractère national et diversifié.

The Halifax Chronicle Herald, janvier

La couverture du journal est principalement axée sur la question de la présentation de films pornographiques par la télévision payante et sur l'opposition qu'elle suscite, tant en Nouvelle-Écosse qu'à l'échelle nationale.

Comme on peut le voir à la lecture de ce qui précède, l'activité des groupes de pression est de loin le sujet le plus souvent abordé en 1983. Par ailleurs, des événements d'ordre législatif et judiciaire expliquent pourquoi l'Ontario vient, du point de vue géographique, au premier rang.

Les effets psychologiques de la pornographie viennent au 2^e rang des sujets traités; ils ne sont précédés que par l'activité des groupes de pression et s'y trouvent sans doute liés en ce que les groupes qui s'opposent à la pornographie soutiennent souvent qu'elle est source de violence. Par ordre de fréquence, les sujets le plus souvent abordés sont essentiellement les mêmes qu'en 1982, si ce n'est que la pornographie juvénile a perdu la place qu'elle occupait. De façon générale, toutefois, les sujets le plus souvent traités touchent simultanément des questions d'ordre législatif, juridique, social et politique. Compte tenu du grand nombre d'articles consacrés à la pornographie en 1983, la question des aspects économiques de la pornographie a été un peu moins souvent abordée.

The Winnipeg Free Press, novembre

La couverture porte sur la nouvelle locale et nationale. A l'échelle locale, un magasin de productions vidéo est visité par la police, qui soupçonnait ses propriétaires de vendre du matériel obscène. A l'échelle nationale, le journal consacre des articles à la condamnation de la Red Hot Video par une cour de la Colombie-Britannique et en étudie les éventuelles répercussions sur le commerce local. La réaction des femmes à l'entente entre Playboy et la chaîne de télévision payante Premier Choix ainsi que les pressions qu'elles exercent sur le CRTC sont couvertes par le journal.

The Toronto Star, mai et novembre

Le journal consacre une bonne partie de sa couverture à un règlement de la ville de Toronto proposé en février et adopté en mars en vertu duquel les détaillants sont tenus d'obtenir un permis spécial pour offrir et mettre en montre des magazines érotiques; les dispositions du règlement sont d'ailleurs renforcées par le conseil municipal en mai (cf. Chronologie), ce qui amène les commerçants visés à contester le règlement devant la Cour Suprême de l'Ontario. Les articles consacrés à la question portent notamment sur la situation en Ontario et sur l'importance que l'industrie de la pornographie y occupe.

En novembre, la couverture du journal reprend un caractère plus général; les articles traitent de la pornographie dans l'ensemble de la province. Le procès, fin octobre et début novembre, et la condamnation de deux compagnies sont assimilés par le journal à une cause type susceptible d'orienter, à l'échelle nationale, la définition de ce qui est admissible et de ce qui ne l'est pas (cf. Chronologie).

The Globe and Mail, janvier, mars et mai

En janvier, la couverture est relativement diversifiée et de caractère national, même si les journalistes accordent un peu plus d'attention aux groupes qui protestent contre la présentation de films pornographiques à la télévision payante et aux pressions qu'essaient d'exercer des groupes de femmes sur le CRTC. Comme le Star, le Globe s'intéresse à la concentration de l'industrie de la pornographie en Ontario.

En mars, les sujets abordés changent peu; s'y ajoutent cependant la question de la modification des dispositions du Code criminel relatives à la pornographie. En mai, la couverture vise toujours principalement la situation en Ontario et tourne autour du règlement adopté par la ville de Toronto, de la nécessité de modifier le Code criminel et des répercussions des décisions de tribunaux de la Colombie-Britannique. Le journal consacre enfin des articles de fond à l'utilisation des jeunes dans les films pornographiques et à la violence qui y est faite aux femmes.

La couverture du Globe and Mail a surtout un caractère national et international; deux sujets, cependant, reçoivent une certaine attention: les débats du Comité de la Justice des Communes et la pornographie juvénile.

Les sujets le plus souvent traités sont essentiellement les mêmes, si ce n'est que la couverture de l'activité des groupes de pression atteint un sommet, vraisemblablement à cause des incendies volontaires de Vancouver. La question de la Justice des Communes. Il en est allé de même de la définition de la pornographie, qui reprend presque la place qu'elle occupait deux ans plus tôt.

Les sources de commentaires le plus souvent citées ou rapportées sont les distributeurs de matériel pornographique et les groupes de femmes, vraisemblablement à cause des incendies de Vancouver. Les législateurs fédéraux ont presque repris leur place, sans doute en raison des débats du Comité de la Justice des Communes.

Les sujets le moins souvent traités sont la justification de la pornographie, l'attribution de permis et les libertés civiles ainsi que la couverture de la pornographie par les médias.

Les sources de commentaires le moins souvent citées ou rapportées sont essentiellement les mêmes: résidents, groupes religieux, juridiques et commerciaux et clients.

1983

C'est en 1983 que se produit la deuxième hausse de couverture la plus spectaculaire. Le nombre des articles consacrés à la pornographie double par rapport à l'année précédente et atteint un sommet. Le phénomène s'observe dans presque tous les journaux étudiés. Plusieurs événements importants l'expliquent. Nous les examinerons par journal et par contexte géographique.

The Vancouver Sun, juin

La condamnation de Red Hot Video Ltd., déclarée coupable sous trois chefs d'accusation de possession de matériel obscène à la fin de mai, et l'appel de la compagnie en juin font l'objet d'une importante couverture et suscitent un vif débat.

Les sujets le moins souvent abordés sont les trois niveaux de législation, les administrations publiques et la pornographie ainsi que la question de l'attribution de permis et des libertés civiles. La législation fédérale occupe le rang le moins élevé de la période étudiée.

Les sources de commentaires le moins souvent citées ou rapportées sont les conseils municipaux, les résidents, les représentants du monde des affaires, les groupes juridiques et religieux ainsi que les producteurs de matériel pornographique. . . .

1982

La couverture globale de la pornographie augmente pour la première fois de façon spectaculaire en 1982. L'année, qui vient au 2^e rang du point de vue de la couverture, est par ailleurs marquée par la prééminence de la Colombie-Britannique et du Vancouver Sun, qui n'occupent pourtant pas habituellement les premiers rangs. Suivent, sur le plan du contexte géographique, le Canada en général et le Québec, et, du point de vue des journaux, La Presse et le globe. Le mois de novembre constitue manifestement le point culminant de l'année, c'est en effet à cette époque que trois succès de la chaîne Red Hot Video sont attaqués à la bombe incendiaire par un groupe dénommé la "Wimmin's Fire Brigade" (brigade incendiaire des femmes). L'événement constitue le fait marquant de l'année et il explique la position du Vancouver Sun en novembre.

La couverture de La Presse est concentrée au Québec. Dix-huit de ses 29 articles parus au cours des six premiers mois de l'année concernent la production de matériel pornographique au Québec et font partie d'une série de reportages intitulée "L'industrie du sexe au Québec" dans laquelle le journal brosse un tableau des multiples aspects de cette industrie et de ses composantes économiques. La parution de ces articles n'a pas été signalée dans la Chronologie, car elle ne correspond pas à un événement donné; les articles figurent cependant dans notre échantillon. La présence de ces articles explique également la position du Québec en 1982.

En Ontario, la question de la censure et de la mise à l'index du film C'est surtout pas de l'amour est à l'origine d'une partie de la couverture; c'est d'ailleurs pour cette raison que le film fait l'objet d'un grand nombre de demandes de visionnement en privé.

L'événement qui vient au second rang en 1982 concerne le Comité de la justice des Communes et l'impatience manifestée par le ministre de la justice à l'égard des députés, qu'il accuse de ne pas réellement vouloir s'attaquer à la pornographie mettant en cause des enfants. Le débat sur la modification des dispositions du Code criminel relatives à la pornographie fait également couler beaucoup d'encre. Les deux questions sont couvertes par tous les journaux du pays.

Les sources de commentaires le moins souvent citées ou rapportées sont le milieu des affaires, le milieu juridique et les mouvements religieux. Les clients sont un peu plus souvent cités; ils perdent même la dernière place qu'ils occupaient en 1978 et 1979.

1981

Du point de vue de la couverture de la pornographie, l'année 1981 vient au 4^e rang. Elle est particulièrement abondante dans le Globe and Mail et la Presse. La couverture du Globe a un caractère national et international; celle de la Presse vise surtout le Québec. En fait, 13 des 17 articles parus dans la Presse pendant les trois derniers mois de l'année portaient sur des événements survenus au Québec. Il en allait de même de 5 des 6 articles parus dans Le Devoir. Dans la majorité des cas, les articles concernaient le présumé scandale de la production de films pornographiques dans les murs et avec le matériel de l'Assemblée nationale. Au Québec également, la Fédération des femmes du Québec lutte activement contre l'utilisation croissante d'enfants dans la production de matériel pornographique, et le Conseil du statut de la femme du Québec exerce des pressions contre le projet de création d'une catégorie de cinémas spécialisés dans la présentation de films pornographiques.

En Ontario, la couverture du globe porte en partie sur l'interdiction de C'est surtout pas de l'amour, document sur la prostitution produit par l'Office national du film. Le Toronto Star consacre cependant davantage de place à cet événement.

Au Québec, enfin, la découverte d'un réseau de pornographie et les fouilles effectuées chez un distributeur font également la manchette (cf. Chronologie).

Les sujets le plus souvent traités sont la pornographie en général, la pornographie juvénile, les affaires portées en cours, les effets psychologiques de la pornographie, la censure et les libertés civiles, la pornographie et l'image de la femme ainsi que les aspects économiques de la pornographie. Ici encore, les questions sont souvent abordées d'un point de vue juridique, social, politique et économique. Comme en 1980, les sujets ayant trait à la législation ne figurent pas en tête de liste.

Les sources de commentaires le plus souvent citées ou rapportées sont les législateurs provinciaux, les journalistes, la police, les groupes de femmes et les distributeurs de matériel pornographique. Le présumé scandale de l'Assemblée nationale du Québec explique sans doute la présence, au premier rang, des législateurs provinciaux. Par rapport à l'année précédente, les groupes de femmes sont plus souvent cités.

Les sujets le moins souvent traités sont les descentes, les affaires portées en cour, l'attribution de permis et les libertés civiles. Par rapport à l'année précédente, la fréquence des affaires portées en cour a diminué.

Les sources de commentaires le moins souvent citées ou rapportées sont les législateurs provinciaux, les juges, les organismes de réglementation, les résidents, le monde des affaires, les groupes juridiques et religieux, les producteurs de matériel pornographique, les acteurs et les clients, c'est-à-dire les mêmes que l'année précédente, si ce n'est des juges, des producteurs de matériel pornographique et des organismes de réglementation, moins souvent cités, et de l'absence des groupes de femmes (qui figuraient maintenant parmi les sources souvent citées).

1980

Du point de vue de la couverture, l'année 1980 occupe, pour la période observée, le 5e rang. Elle est marquée par la prééminence de La Presse. Le journal a en effet consacré une série d'articles en février à la question du classement des films et de l'attribution de permis en réponse au problème de la censure et à la question de la liberté d'expression et de la diversité des goûts. Il s'agit d'articles de fond dans lesquels ces questions sont étudiées en rapport avec la province du Québec.

Du point de vue du contexte géographique, l'Ontario vient au premier rang. La plupart des articles concernent la contestation, par des propriétaires de petits magasins, du règlement adopté par la ville de Hamilton l'année précédente.

Les sujets qui reviennent le plus souvent sont les affaires portées en cour, l'attribution de permis, les effets psychologiques de la pornographie, la pornographie en général, la saisie de matériel, la censure, les aspects économiques de la pornographie et les activités des groupes de pression. Ici encore, les sujets traités portent aussi bien sur les aspects législatifs, juridiques, policiers, économiques que sociaux de la pornographie. La question de la pornographie a perdu l'importance qu'elle avait l'année précédente; il en va de même de sujets comme la pornographie juvénile, la législation municipale et la législation fédérale. Les affaires portées en cour occupent en revanche une place sans précédent.

Les sources de commentaires le plus souvent citées ou rapportées sont les représentants des milieux judiciaires, policiers et administratifs; suivent les journalistes et les distributeurs de matériel pornographique. Les groupes de femmes sont moins souvent cités qu'en 1979, sans doute parce que le groupe le plus actif, des parents ontariens en lutte contre la pornographie, les a relégués au 7e rang.

Les sujets le moins souvent traités sont la législation provinciale, les administrations publiques et la législation ainsi que la couverture de la pornographie par les media.

Les sources de commentaires le plus souvent citées (tableau 15) sont les responsables et spécialistes des milieux législatifs, juridiques et policiers, les journalistes, les distributeurs et les groupements religieux. Les représentants des milieux policiers sont souvent cités, car ils ont participé activement aux délibérations du Comité de la Justice des Communes.

Les sujets le moins souvent traités sont la législation municipale, les responsabilités législatives des provinces, les arrestations et la couverture de la pornographie par les media.

Les sources de commentaires le moins souvent citées ou rapportées sont les groupes de résidents, les acteurs et les clients.

1979

La couverture de la pornographie atteint un creux en 1979. On peut raisonnablement supposer que cela tient au fait que le contexte géographique de couverture est rarement le Canada en général. Les chiffres par journal (tableau 11) ne font pas ressortir d'écarts significatifs.

Les sujets qui reviennent le plus souvent sont la définition de la pornographie, l'attribution de permis et la pornographie en général. La définition de la pornographie occupe le premier rang en raison des débats suscités par le projet de refonte du Code criminel et des conférences organisées sur la question (cf. Chronologie). La question de l'attribution de permis de vente est souvent abordée après que la ville de Hamilton (Ont.) ait obligé par règlement les vendeurs de magazines érotiques à obtenir un permis spécial.

Outre les sujets ci-dessus, les questions le plus souvent traitées portent notamment sur la pornographie juvénile, la législation municipale, la législation fédérale et les effets psychologiques de la pornographie.

Les sources de commentaires le plus souvent citées ou rapportées sont les journalistes et les groupes de femmes; viennent ensuite la police, les conseillers municipaux, les distributeurs, les groupes d'appui, les autres groupes et les avocats. Les groupes de femmes sont cités plus souvent qu'en 1978 et que les autres sources elles-mêmes, probablement en raison de la couverture accordée à la demande adressée par la Fédération des femmes du Québec au ministre provincial de la Justice l'invitant à rendre illégale toute distribution de matériel pornographique aux mineurs.

Sur le plan de la couverture, l'année 1978 vient au troisième rang. Si l'on excepte deux journaux - le Calgary Herald et le Devoir - les chiffres ne varient pas beaucoup d'un journal à l'autre. Par ailleurs, même si la catégorie "Canada en général" a, sur le plan géographique, un caractère polyvalent, la prééminence du Canada mérite d'être signalée. Le phénomène tient au fait que le principal "événement" de l'année a été le débat qui a entouré la refonte du Code criminel. Comme on peut le voir dans la Chronologie, le ministre fédéral de la Justice a proposé, au début de l'année, des modifications visant à renforcer les lois relatives à la pornographie mettant en cause des enfants. Il n'a cependant pas profité de l'occasion pour resserrer la définition de l'obscénité - et notamment sa phrase clé: "l'exploitation induite des choses sexuelles" -, prétextant qu'une telle définition l'aurait mis en terrain glissant. Le débat sur la question, les réunions auxquelles il a donné lieu et les progrès réalisés (ou les retards accumulés) ont fait l'objet d'une abondante couverture.

La couverture de la question est peu concentrée, si ce n'est dans le cas du Toronto Star en février et de la Presse en mai. Dans les deux cas, les articles tournaient autour de la refonte du Code criminel. Le ministre de la Justice a par ailleurs exhorté les procureurs généraux des provinces à appliquer avec plus de rigueur les dispositions des lois actuelles sur l'obscénité. Le Comité de la Justice des Communes a enfin recommandé que la définition de l'obscénité soit élargie de manière à englober toute utilisation de la violence ou dégradation "indue". La couverture des journaux parus à cette époque a largement porté sur le caractère discutabile de ces mesures et sur ce qui semblait être, pour les autorités fédérales, un moyen d'éluider la question.

Pour ces raisons la législation fédérale et la définition de la pornographie constituent respectivement les sujets les plus fréquemment abordés. De même, le sujet de la pornographie mettant en cause des enfants est souvent traité après que le ministre ait proposé de mener une lutte à finir contre cette forme de pornographie.

Viennent ensuite, par ordre de fréquence (cf. tableau 13) les sujets suivants: effets psychologiques de la pornographie, affaires portées en cour, aspects économiques de la pornographie, pornographie en général, censure et libertés civiles. En d'autres termes, les sujets qui reviennent le plus souvent concernent des questions législatives, sociales, juridiques, économiques et politiques.

PORNOGRAPHIE

Tableau 9	Nombre total d'articles pour chacune des années de la période à l'étude.
Tableau 10	Nombre d'articles parus dans chacun des journaux étudiés.
Tableau 11	Nombre d'articles parus dans chaque journal, par année et mois.
Tableau 12	Nombre d'articles, selon le contexte géographique, par ordre, pour chaque année.
Tableau 13	Fréquence des sujets, par ordre, pour chaque année.
Tableau 14	Fréquence des sujets, par ordre, pour la totalité de la période.
Tableau 15	Fréquence des sources de commentaires cités ou rapportés, par ordre, pour chaque année.
Tableau 16	Fréquence des sources de commentaires cités ou rapportés, par ordre, pour la totalité de la période.

La chose la plus claire à l'égard du terme "hooker" est qu'il comporte, en filigrane, l'hypothèse - qui reste à vérifier - selon laquelle l'initiative revient à la prostituée et non au client. Nous ne prétendons pas, répétons-le, que les personnes qui utilisent l'expression dans leurs écrits le font en pleine connaissance de cause. Le problème tient davantage au fait qu'un terme aussi répandu ne fait l'objet d'aucun examen critique. Par ailleurs, il ne s'agit pas d'un terme qu'on pourra faire disparaître par de simples interprétations de sa signification réelle. Bref, le terme a une signification univoque, il suppose que l'action n'émane que d'une seule source.

Dans l'échantillon d'articles rédigés en français, aucune expression ne revient avec une telle fréquence. Nous avons toutefois rencontré, à l'occasion, les expressions "fille de joie" et "fille de nuit".

Bien que nous ne l'ayons relevé qu'une seule fois, le terme "kiddiehooker" mérite d'être signalé. Il est formé de la fusion plutôt hardie des termes "hooker" et "kiddie" (gamin, gosse), ce dernier l'étant également dans l'expression "kiddieporn" utilisée par les distributeurs de pornographie infantile et reprise par les journalistes - bien que parfois entre des guillemets révélateurs - dans des articles sur la pornographie.

Compte tenu de la gravité de la prostitution juvénile et de la couverture qu'on lui a accordée, l'utilisation du terme "kiddiehooker" semble fort mal venue. Même si le terme est utilisé de façon plutôt innocente, l'effet de répétition risque d'atténuer la gravité du problème.

Signalons, enfin, que ces expressions s'observent le plus souvent dans les titres. Reste à savoir si les articles et les titres sont toujours écrits par les mêmes personnes. Les faits n'en demeurent pas moins ce qu'ils sont.

Dans les articles sur la prostitution publiés dans les journaux de langue anglaise, on utilise abondamment le terme "hooker" (sauteuse, racoleuse) pour désigner les prostituées. A en juger par notre travail, l'expression est utilisée surtout par les journalistes; viennent ensuite, mais loin derrière, la police, les maires et les législateurs. D'après ce que nous avons pu constater, et sauf erreur (voir la note au bas de cette page), le terme n'est pas utilisé par les représentantes des groupes féministes ou les prostituées elles-mêmes.

Certains argueront que c'est faire preuve d'esprit tâtillon que de nous attarder à un terme aussi répandu et "naturel" que celui-là. Pourtant, nous ne pouvons pas nous empêcher de croire que le mot "prostituée" est parfaitement clair et universellement admis. De plus, le fait que les féministes n'utilisent pas le terme "hooker" ne doit pas être pris à la légère; les féministes sont manifestement sensibles à un phénomène dont nous serions prêts à dire, à tout le moins, qu'il dénote un souci d'éduquer, par facilité et recherche de l'effet, un terme qui ne devrait pas l'être, et ce, aux dépens des personnes auxquelles il s'applique, fût-ce involontairement.

Pour dire les choses autrement, nous estimons que l'emploi du terme ne dénote pas nécessairement chez ses utilisateurs des préjugés à l'égard des prostituées, mais que l'effet de son utilisation, fût-il involontaire, contribue à trivialisier le terme. En effet, ne peut-on pas dire que les gens acceptent pleinement les pratiques qu'ils qualifient au moyen des termes les plus neutres? En revanche, s'il n'y a pas acceptation, pourquoi ne nous le dit-on pas explicitement? Il est bien rare qu'il en aille ainsi.

Il est vrai que les prostituées s'appliquent parfois le terme à elles-mêmes. Mais là n'est pas la question. Des personnes peuvent en effet se qualifier de telle ou telle façon en raison des influences qu'elles subissent ou simplement parce qu'elles utilisent un terme répandu sans y avoir vraiment réfléchi. La véritable question consiste simplement à déterminer si l'utilisation répétée d'un terme - ce qui est très certainement le cas ici, particulièrement dans les titres d'articles - contribue à en édulcorer le sens, si le statut de ses principaux utilisateurs joue un rôle important.

5. L'attribution de permis de prostitution et la création de quartiers réservés pourraient sans doute atténuer le problème; le public risquerait cependant de ne pas accepter ces solutions, car elles supposent une "participation" de l'État au phénomène de la prostitution.
Celle position est adoptée dans 7.7% des cas. Elle l'est principalement par des conseillers municipaux, 57.1%.
6. Si la prostitution est légale au Canada, pourquoi le racolage ne le serait-il pas? Si un commerce est légal, pourquoi serait-il criminel d'en faire la promotion?
Celle position est adoptée dans 6.6% des cas. Elle l'est principalement par des représentantes de la National Association for Women and the Law et du Comité national d'action sur le statut de la femme, 50%.
7. Faire du simple racolage un acte criminel, sans qu'il soit nécessairement pressant ou persistant.
Celle position est adoptée dans 6.6% des cas. Elle l'est principalement par des législateurs fédéraux, 66.6%.
8. Le législateur doit faire preuve de discernement au moment d'adopter des mesures propres à empêcher l'achat ou la vente de services sexuels. En voulant réprimer la prostitution, il risque de porter atteinte aux libertés individuelles.
Celle position est adoptée dans 4.4% des cas. Elle l'est principalement par des avocats, 50%.
9. Le racolage devrait rester, au sens du Code criminel, "pressant et persistant". Dans la mesure où la prostitution est une activité légale, seules ses manifestations outrancières devraient être punies.
Celle position est adoptée dans 3.3% des cas. Elle l'est principalement par des représentantes de la National Association for Women and the Law, 33.3%, des journalistes, 33.3%, et des avocats, 33.3%.
10. La prostitution devrait être libéralisée, les règlements sur la conduite à tenir en public faisant partie des règles générales de tenue et ne visant pas spécifiquement la prostitution.
Celle position est adoptée dans 2.2% des cas. Elle l'est principalement par des représentantes de la National Association for Women and the Law et du Comité national d'action sur le statut de la femme, 66.6%, et par des prostituées, 33%.

Les principales positions adoptées par les éléments de l'échantillon sont présentées par ordre de fréquence décroissant et par source.

Le chiffre correspondant à la position adoptée équivaut à la proportion de l'ensemble de l'échantillon qu'il représente. Dans le cas de la source, les chiffres indiqués correspondent à la part des sources exprimant une même opinion représentée par une source donnée.

1. L'administration fédérale doit intervenir. Les décisions des tribunaux relatives aux règlements municipaux ont montré à maintes reprises que c'est à l'État fédéral qu'il incombe de légiférer en matière de prostitution.

Cette position est adoptée dans 28.6% des cas. Elle l'est principalement par des juges de la Cour Suprême, 22.2%, des maires, 18.51%, des journalistes, 18.51% et des avocats, 14.81%.

2. La loi ne pourra pas être appliquée tant que le racolage ne fera pas l'objet d'une définition plus stricte. Même s'il est relativement facile d'arrêter les personnes qui se livrent à la prostitution, il n'est pas du tout certain qu'elles en soient trouvées coupables. Depuis que la Cour Suprême a statué, en 1978, que le racolage devait être pressant et persistant, la question soulève un réel dilemme.

Cette position est adoptée dans 15.4% des cas. Elle l'est principalement par les membres de la police, 47%.

3. Les règlements municipaux sur l'atteinte à la moralité publique ou aux droits du public devraient servir à réglementer la prostitution. Comme ils ne visent pas spécifiquement la prostitution, les personnes qui se livrent à la prostitution ne feraient pas l'objet d'un traitement distinct, puisque leur activité est légale.

Cette position est adoptée dans 13.2% des cas. Elle l'est principalement par la police, 35.7%.

4. Il faudrait que le nom des clients soit divulgué et que les accusations de racolage s'appliquent également à eux. Cette façon de procéder serait à la fois plus efficace et plus équitable. Le Code criminel devrait être modifié en conséquence.

Cette position est adoptée dans 12.1% des cas. Elle l'est principalement par des législateurs fédéraux, 45.4%.

TABLEAU 8 Fréquence des sources de commentaires dans les articles sur la prostitution, par rang, 1978-1983

296	Policier
197	Conseiller municipal
187	Avocats
176	Journaliste
163	Juge
122	Législateur fédéral
107	Prostituée adulte
57	Législateur provincial
51	Groupe d'appui
38	Groupe de résidents
33	Prostitué adolescent
30	Monde des affaires
25	Groupe de femmes
25	Client
22	Autre groupe
16	Proxénète
9	Mouvement religieux
6	Groupe juridique

1982

1.	Juge	67
2.	Conseiller municipal	46
3.	Juge	37
4.	Législateur fédéral	34
	Avocat	34
	Journaliste	34
5.	Prostitué adulte	18
6.	Groupe d'appui	11
7.	Groupe de résidents	10
8.	Législateur provincial	9
9.	Groupe de femmes	7
10.	Client	5
11.	Prostitué adolescent	4
12.	Autre groupe	3
	Proxénète	3
13.	Monde des affaires	2
14.	Groupe juridique	1
	Groupe religieux	1

1983

1.	Conseiller municipal	73
2.	Policier	67
3.	Journaliste	51
4.	Législateur fédéral	49
5.	Avocat	24
6.	Prostitué adulte	23
7.	Juge	18
8.	Groupe de résidents	15
9.	Législateur provincial	13
10.	Groupe d'appui	11
11.	Prostitué adolescent	10
12.	Groupe de femmes	9
	Monde des affaires	9
13.	Autre groupe	8
14.	Groupe religieux	5
15.	Proxénète	3
16.	Groupe juridique	2
	Client	2

TABLEAU 7 Fréquence des sources de commentaires dans les articles sur la prostitution, par rang et année

1978	1979	1980	1981
1. Policier	28	31	88
2. Journaliste	21	27	74
3. Conseiller municipal	19	22	56
4. Avocat	1	18	46
5. Prostituée adulte	12	17	37
6. Législateur fédéral	11	16	25
7. Juge	9	13	20
8. Législateur provincial	7	8	13
9. Monde des affaires	5	6	12
10. Groupe de résidents	4	8	12
11. Mouvement religieux	3	4	9.
12. Autre groupe	3	13	8. Client
13. Groupe d'appui	2	7.	7. Législateur provincial
14. Groupe juridique	0	6.	6. Prostituée adulte
15. Proxénète	0	5. Journaliste	5. Conseiller municipal
		4. Journaliste	4. Journaliste
		3. Juge	3. Juge
		2. Prostituée adulte	2. Avocat
		1. Policier	1. Législateur général
			4. Avocat
			5. Journaliste
			6. Législateur provincial
			7. Conseiller Municipal
			8. Groupe de femmes
			9. Groupe d'appui
			10. Groupe d'adolescent
			11. Monde des affaires
			12. Autre groupe
			13. Client
			14. Proxénète
			15. Groupe de résidents
			16. Groupe juridique
			17. Groupe religieux
			18. Groupe religieux
			19. Groupe de femmes
			20. Groupe juridique
			21. Groupe de résidents
			22. Client
			23. Autre groupe
			24. Proxénète
			25. Législateur provincial
			26. Groupe d'adolescent
			27. Autre groupe
			28. Monde des affaires
			29. Proxénète
			30. Législateur provincial
			31. Client
			32. Autre groupe
			33. Proxénète
			34. Législateur provincial
			35. Groupe d'adolescent
			36. Autre groupe
			37. Monde des affaires
			38. Proxénète
			39. Législateur provincial
			40. Client
			41. Autre groupe
			42. Proxénète
			43. Législateur provincial
			44. Groupe d'adolescent
			45. Autre groupe
			46. Monde des affaires
			47. Proxénète
			48. Législateur provincial
			49. Client
			50. Autre groupe
			51. Proxénète
			52. Législateur provincial
			53. Groupe d'adolescent
			54. Autre groupe
			55. Monde des affaires
			56. Proxénète
			57. Législateur provincial
			58. Client
			59. Autre groupe
			60. Proxénète
			61. Législateur provincial
			62. Groupe d'adolescent
			63. Autre groupe
			64. Monde des affaires
			65. Proxénète
			66. Législateur provincial
			67. Client
			68. Autre groupe
			69. Proxénète
			70. Législateur provincial
			71. Groupe d'adolescent
			72. Autre groupe
			73. Monde des affaires
			74. Proxénète
			75. Législateur provincial
			76. Client
			77. Autre groupe
			78. Proxénète
			79. Législateur provincial
			80. Groupe d'adolescent
			81. Autre groupe
			82. Monde des affaires
			83. Proxénète
			84. Législateur provincial
			85. Client
			86. Autre groupe
			87. Proxénète
			88. Législateur provincial
			89. Groupe d'adolescent
			90. Autre groupe
			91. Monde des affaires
			92. Proxénète
			93. Législateur provincial
			94. Client
			95. Autre groupe
			96. Proxénète
			97. Législateur provincial
			98. Groupe d'adolescent
			99. Autre groupe
			100. Monde des affaires

TABLEAU 6 Fréquence des sujets relatifs à la prostitution, par rang, 1978-1983

Rang	Fréquence	Code	Sujet
1	217	9	Affaires portées en cour
2	208	10	Décisions de tribunaux
3	204	1	Législation fédérale
4	196	3	Législation municipale
5	163	5	Législation et application de la loi
6	144	12	Prostitution des adolescents
7	123	22	Solutions
8	113	25	Général
9	101	7	Arrestations
10	99	6	Définition du racolage
11	88	4	Adm. publ. et législation
12	62	20	Activités des groupes de pression
13	57	11	Prostitution homosexuelle
14	52	14	Aspects économiques
15	51	19	Gains des prostituées
16	43	21	Opinions des prostituées
17	32	8	Harcellement de la police
18	28	23	Libéralisation
19	23	13	Effets psychologiques
20	14	17	Crime organisé
21	8	18	Justification de la prostitution
22	4	2	Législation provinciale

Rang	Fréquence	Code	Sujet
1	84	1	Législation fédérale
2	59	10	Décisions de tribunaux
3	48	5	Législation et application de la loi
4	45	5	Législation municipale
5	44	15	Conditions d'offre
6	41	12	Prostitution des adolescents
7	37	4	Adm. publ. et législation
	37	22	Solutions
8	34	25	Général
9	30	6	Définition du racolage
10	28	9	Affaires portées en cour
11	20	20	Activités des groupes de pression
12	18	7	Arrestations
13	13	14	Aspects économiques
	13	16	Prostitution et violence
	13	21	Opinions des prostituées
14	12	11	Prostitution homosexuelle
	12	19	Gains des prostituées
	12	23	Libéralisation
15	10	8	Harcellement de la police
16	4	13	Effets psychologiques
17	3	2	Législation provinciale
18	2	17	Crime organisé
19	0	18	Justification de la prostitution

1983

Rang	Fréquence	Code	Sujet
1	77	3	Législation municipale
2	58	10	Décisions de tribunaux
3	51	9	Affaires portées en cour
4	43	1	Législation fédérale
5	35	15	Conditions d'offre
6	31	5	Législation et application de la loi
7	30	4	Adm. publ. et législation
8	24	7	Arrestations
9	22	16	Prostitution et violence
9	22	25	Général
10	20	6	Définition du racolage
11	18	12	Prostitution des adolescents
12	17	22	Solutions
13	13	20	Activités des groupes de pression
14	8	14	Aspects économiques
15	7	23	Libéralisation
16	6	11	Prostitution homosexuelle
	6	17	Crime organisé
17	5	19	Opinions des prostituées
18	4	13	Gains des prostituées
18	4	13	Effets psychologiques
19	2	8	Harcellement de la police
20	2	18	Justification de la prostitution
20	1	2	Législation provinciale

1982

Rang	Fréquence	Code	Sujet
1	64	9	Affaires portées en cour
2	54	3	Législation municipale
3	45	12	Prostitution des adolescents
4	40	10	Décisions de tribunaux
5	39	7	Arrestations
6	32	22	Solutions
7	30	1	Législation fédérale
8	29	5	Législation et application de la loi
9	28	16	Prostitution et violence
10	27	11	Prostitution homosexuelle
11	20	25	Général
12	14	6	Définition du racolage
	14	4	Adm. publ. et législation
13	12	20	Gains des prostituées
14	10	13	Activités des groupes de pression
	10	14	Effets psychologiques
15	9	8	Aspects économiques
			Harcellement de la police
16	8	21	Opinions des prostituées
17	1	17	Crime organisé
			Justification de la prostitution
	1	23	Libéralisation
18	0	2	Législation provinciale

TABLÉAU 5
Suite

Rang	Fréquence	Code	Sujet
1	47	9	Affaires portées en cour
2	27	5	Législation et application de la loi
3	18	15	Prostitution des adolescents
4	16	3	Conditions d'offre
5	14	1	Législation municipale
6	13	10	Décisions de tribunaux
7	12	6	Aspects économiques
8	10	16	Prostitution et violence
9	9	7	Arrestations
10	7	8	Prostitution homosexuelle
	7	19	Harcellement de la police
	7	21	Gains des prostituées
11	6	20	Opinions des prostituées
12	5	4	Activités des groupes de pression
13	4	18	Adm. publ. et législation
14	3	13	Justification de la prostitution
15	2	17	Libéralisation
16	0	2	Effets psychologiques
			Crime organisé
			Législation provinciale

1980

TABLÉAU 5
Suite

Rang	Fréquence	Code	Sujet
1	15	10	Décisions de tribunaux
2	14	9	Affaires portées en cour
3	11	6	Définition du racolage
4	10	1	Législation fédérale
	10	5	Législation et application de la loi
	10	15	Conditions d'offre
5	8	7	Arrestations
6	7	12	Prostitution des adolescents
	7	19	Gains des prostituées
	7	25	Général
7	6	21	Opinions des prostituées
8	4	16	Prostitution et violence
9	3	11	Prostitution homosexuelle
10	3	20	Activités des groupes de pression
	2	8	Harcellement de la police
	2	14	Aspects économiques
	2	22	Solutions
11	1	2	Législation provinciale
	1	3	Législation municipale
	1	4	Adm. publ. et législation
	1	13	Effets psychologiques
	1	17	Crime organisé
12	0	18	Justification
	0	23	Libéralisation

1979

TABLEAU 5 Fréquence des sujets relatifs à la prostitution, par rang et année

1978

Rang	Fréquence	Code	Sujet
1	23	1	Législation fédérale
2	21	22	Décisions de tribunaux
3	18	5	Réglementation et répression
	18	5	Législation et application de la loi
4	17	15	Général
	17	15	Conditions d'offre
5	13	9	Affaires portées en cour
6	12	6	Définition du racolage
7	9	16	Prostitution et violence
8	8	20	Activités des groupes de pression
9	6	14	Conséquences des rencontres
	6	19	Gains des prostituées
	6	12	Prostitution des adolescents
10	5	21	Opinion des prostituées
11	4	23	Libéralisation
12	3	3	Législation municipale
	3	7	Arrestations
13	2	8	Harcellement de la police
	2	17	Crime organisé
14	1	4	Adm. publ. et législation
	1	13	Effets psychologiques
	1	17	Justification de la prostitution
15	0	2	Législation provinciale
	0	11	Prostitution homosexuelle

TABIEAU 4 Nombre d'articles sur la prostitution, par contexte géographique et rang

1978	C.-B.	48	C.-B.	29	Qué.	36	C.-B.	67	C.-B.	75	Canada en général	72	40	Ont.	20	Canada en général	9	7	Ont.	14	Man.	7	Maritimes et T.-N.	14	13	Qué.	14	Alb.	7	Canada en général	10	6	Autre	5	Maritimes et T.-N.	4	Sask.	-	E.U.	-	1981
1979	C.-B.	48	C.-B.	29	Qué.	36	C.-B.	67	C.-B.	75	Canada en général	72	40	Ont.	20	Canada en général	9	7	Ont.	14	Man.	7	Maritimes et T.-N.	14	13	Qué.	14	Alb.	7	Canada en général	10	6	Autre	5	Maritimes et T.-N.	4	Sask.	-	E.U.	-	1982
1980	Qué.	29	Qué.	29	Qué.	36	C.-B.	67	C.-B.	75	Canada en général	72	40	C.-B.	20	Canada en général	9	7	Ont.	14	Man.	7	Maritimes et T.-N.	14	13	Qué.	14	Alb.	7	Canada en général	10	6	Autre	5	Maritimes et T.-N.	4	Sask.	-	E.U.	-	1983
1981	C.-B.	36	C.-B.	29	Qué.	36	C.-B.	67	C.-B.	75	Canada en général	72	40	Alb.	35	Alb.	Ont.	44	Canada en général	37	33	Alb.	29	Qué.	27	14	Alb.	30	Qué.	13	E.U.	13	Autre	11	E.U.	17	15	8	Sask.	1	1983
1982	C.-B.	67	C.-B.	29	Qué.	36	C.-B.	67	C.-B.	75	Canada en général	72	40	Alb.	35	Alb.	Ont.	44	Canada en général	37	33	Alb.	29	Qué.	27	14	Alb.	30	Qué.	13	E.U.	13	Autre	11	E.U.	17	15	8	Sask.	1	1983
1983	C.-B.	67	C.-B.	29	Qué.	36	C.-B.	67	C.-B.	75	Canada en général	72	40	Alb.	35	Alb.	Ont.	44	Canada en général	37	33	Alb.	29	Qué.	27	14	Alb.	30	Qué.	13	E.U.	13	Autre	11	E.U.	17	15	8	Sask.	1	1983

TABLEAU 3
Suite

	J	F	M	A	M	J	J	A	S	O	N	D	Total
Vancouver Sun	4	9	7	4	5	3	2	2	1	-	-	2	39
Calgary Herald	6	2	5	1	-	4	5	1	-	-	-	2	26
Winnipeg Free Press	2	1	5	2	3	3	-	3	1	1	1	2	24
Toronto Star	4	4	7	4	2	4	2	3	4	3	4	4	43
Globe and Mail	6	4	7	5	1	4	4	6	2	6	2	7	54
La Presse	-	2	8	4	-	1	1	8	2	6	-	2	34
Le Devoir	-	1	-	1	-	-	-	-	-	2	-	-	4
Halifax Chronicle Herald	4	1	-	-	1	1	1	2	1	1	4	1	17

1983

TABLEAU 3
Suite

<u>1982</u>											
J	F	M	A	M	J	J	A	S	O	N	D
Total											
60	1	1	5	12	28	-	2	2	3	2	2
Vancouver Sun											
20	-	1	2	3	3	4	2	-	2	1	1
Calgary Herald											
17	2	-	1	6	1	1	-	2	1	1	1
Winnipeg Free Press											
16	-	2	2	-	3	3	-	-	1	1	3
Toronto Star											
58	5	5	3	7	8	6	4	3	6	6	1
Globe and Mail											
43	1	2	5	7	6	5	2	3	5	4	1
La Presse											
4	-	-	-	-	-	2	-	-	2	-	-
Le Devoir											
	-	-	-	-	-	2	-	-	-	-	-
Halifax Chronicle Herald											
5	-	-	-	-	3	-	2	-	-	-	-

TABLEAU 3
Suite

	J	F	M	A	M	J	J	A	S	O	N	D	Total
Vancouver Sun	4	-	3	2	5	9	3	2	5	6	6	6	51
Calgary Herald	1	6	-	-	6	7	2	2	1	7	-	2	34
Winnipeg Free Press	1	-	1	2	2	-	1	2	4	5	2	5	25
Toronto Star	-	-	1	-	3	4	-	3	1	4	2	1	19
Globe and Mail	4	9	4	7	8	9	13	5	9	4	7	5	84
La Presse	-	-	-	1	-	-	3	-	1	-	1	-	6
Le Devoir	-	-	-	-	-	1	2	-	-	-	-	1	4
Halifax Chronicle Herald	1	1	-	-	2	1	1	-	-	2	-	1	9

1981

TABLÉAU 3
Suite

	J	F	M	A	M	J	J	A	S	O	N	D	Total
Vancouver Sun	-	-	1	4	3	1	2	5	1	2	3	3	25
Calgary Herald	1	-	-	2	2	1	-	2	-	-	2	-	10
Winnipeg Free Press	-	3	2	5	-	1	1	-	-	-	-	3	15
Toronto Star	-	1	1	1	-	4	1	-	1	-	-	-	9
Globe and Mail	2	-	1	3	2	2	2	1	-	2	6	7	28
La Presse	2	1	1	-	1	2	15	-	-	-	2	-	24
Le Devoir	-	-	-	-	2	-	-	-	-	-	1	-	3
Halifax Chronicle Herald	-	-	-	1	-	2	-	1	-	1	8	3	16

1980

TABLEAU 3
Suite

	J	F	M	A	M	J	J	A	S	O	N	D	Total
Vancouver Sun	-	-	-	-	-	-	4	2	1	5	2	1	15
Calgary Herald	-	-	-	1	-	-	-	-	-	1	1	-	3
Winnipeg Free Press	1	-	1	-	-	3	1	4	-	1	-	1	12
Toronto Star	-	-	2	-	-	-	-	-	-	1	1	-	4
Globe and Mail	1	1	2	-	-	1	5	4	1	2	2	-	19
La Presse	-	-	1	-	-	-	2	-	-	-	-	1	4
Le Devoir	-	-	1	-	1	-	-	-	1	-	-	1	4
Halifax Chronicle Herald	-	-	-	-	-	-	-	-	-	-	-	-	0

1979

TABLEAU 3 Nombre d'articles sur la prostitution, par journal, année et mois

	J	F	M	A	M	J	J	A	S	O	N	D	Total
Vancouver Sun	1	-	11	7	4	7	4	5	3	4	-	-	46
Calgary Herald	-	-	-	-	-	-	-	-	-	-	-	-	0
Winnipeg Free Press	-	1	2	-	1	1	-	-	-	1	1	1	7
Toronto Star	-	3	-	2	2	3	-	-	-	1	1	1	12
Globe and Mail	-	2	2	1	2	2	-	-	-	1	1	-	11
La Presse	-	-	-	-	-	-	-	-	-	-	-	-	0
Le Devoir	-	2	-	-	-	-	1	-	-	1	1	2	7
Haltfax Chronicle Herald	-	-	-	-	-	-	-	-	-	-	-	-	0

1978

TABLÉAU 1 Nombre d'articles sur la prostitution, par année

1978	83
1979	61
1980	130
1981	232
1982	223
1983	241
<hr/>	
Total	970

TABLÉAU 2 Nombre d'articles sur la prostitution, par journal

The Vancouver Sun	236
The Calgary Herald	93
The Winnipeg Free Press	100
The Toronto Star	103
The Globe and Mail	254
La Presse	111
Le Devoir	26
The Halifax Chronicle Herald	47
<hr/>	
Total	970

Les commentateurs se trouvent dans la même situation. Les prostituées adultes sont elles aussi souvent citées, et nos données montrent que cette fréquence est confirmée par le sujet des articles dans lesquels leurs propos sont rapportés. Ainsi, il n'est pas rare de les voir commenter des sujets comme la législation, par exemple. Pourtant, les articles dans lesquels les prostituées expriment leur opinion sur leurs propres intérêts sont peu nombreux; la même observation s'applique au sujet de la libéralisation et de la justification de la prostitution. Il est donc raisonnable de supposer que les prostituées sont souvent citées, mais rarement interrogées sur ce que la société devrait faire à l'égard de la prostitution.

Les clients sont fort peu cités, probablement parce qu'ils n'aiment pas être interrogés sur la question, mais peut-être aussi parce qu'on ne cherche pas à obtenir leurs commentaires.

Nos données sur les positions exprimées et les arguments invoqués à leur appui montrent que les opinions qui prédominent sont celles des sources de commentaires prédominantes: les représentants des milieux judiciaires, législatifs et policiers. Parallèlement, les opinions données portent le plus souvent sur les sujets prédominants, ceux qui concernent la réglementation ou la répression de la prostitution.

Comme nous le verrons dans la section consacrée à la langue, nous estimons que l'utilisation d'expressions comme "racoleuse" ou "fille de joie" contribue à banaliser le problème de la prostitution et à renforcer des stéréotypes.

La principale conclusion qui se dégage de cette analyse est que la situation fluctue d'avantage qu'elle n'évolue. D'une année à l'autre, la fréquence des sujets et des sources de commentaires varie peu, que ceux-ci occupent le sommet ou le bas de l'échelle. La même observation s'applique d'ailleurs aux fréquences dites 'médianes'. En ce sens, les tableaux 6 et 8 - où les sujets et les sources sont classés par fréquence pour la totalité de la période - confirment les résultats annuels que nous venons de passer en revue.

Il semble que la question du contrôle législatif et judiciaire de la prostitution ait servi de principal cadre de référence à l'activité des journalistes; on observe en effet que les sujets associés à la répression de la prostitution occupent toujours, par leur fréquence, le premier rang. Seule la prostitution des adolescents fait exception. La prostitution prise dans un sens plus général englobe plusieurs sujets; il ne faut donc pas lui attribuer une place spéciale, particulièrement lorsqu'elle englobe des sujets spécifiques à faible fréquence.

Cette image globale de la situation est confirmée par nos données sur la couverture de chaque journal. Dans ce cas, les variations tiennent bien d'avantage au contexte géographique qu'à tout autre facteur.

Il semble raisonnable de supposer que cet état de choses est symptomatique d'une situation dans laquelle la prostitution est légale, sans pour autant qu'on s'entende sur la forme qu'elle devrait prendre. La couverture de la prostitution par la presse ne nous permet pas de juger des tensions que soulève sa légalisation. Il est cependant évident que les opposants à la prostitution fondent leur argumentation sur le caractère gênant - voire offensant - de la présence et des tractations des prostituées et des clients sur la voie publique. Ainsi, à en juger par la presse, la majorité voit dans la prostitution une 'réalité inévitable' - la phrase revient d'ailleurs souvent - qui ne devrait cependant pas être exposée au grand jour.

Bref, la principale caractéristique de la couverture de la prostitution est que le sujet est rarement abordé en soi. Si l'on excepte la prostitution des adolescents, il est rare qu'on trouve dans les journaux des articles sur la prostitution elle-même ou sur ses conséquences - effets psychologiques ou économiques, violence, crime organisé. A en juger par la presse, la question de la réglementation de la prostitution semble davantage au coeur du débat.

Pour les mêmes raisons, les représentants des milieux judiciaires, législatifs et policiers comptent parmi les sources de commentaires le plus souvent citées. Les journalistes étant les auteurs des éditoriaux et des articles, ils sont bien placés pour faire connaître leurs vues;

En mai, la Cour d'appel de l'Ontario juge qu'une prostituée ne peut pas être déclarée coupable de flâner sur la voie publique. Les municipalités qui préféreraient cette forme d'accusation au racolage n'ont donc plus ce recours. La décision en elle-même ne fait pas l'objet d'une couverture spéciale: nous la signalons ici simplement pour donner une image complète de la situation législative en 1983.

Les sujets le plus souvent abordés demeurent essentiellement les mêmes. La législation fédérale continue d'occuper le premier rang, principalement en raison des conséquences de la décision de la Cour Suprême.

Il convient de signaler que, du point de vue géographique, la catégorie "Canada en général" se détache nettement du peloton, même si elle a un caractère agrégatif. Il est raisonnable de supposer que le phénomène tient, comme d'autres à l'intensification des pressions exercées sur l'administration fédérale pour qu'elle légifère en cette matière. Par ailleurs, c'est également en juin 1983 (cf. Chronologie) que le Comité de la Justice de la Chambre des communes fait connaître ses projets de législation en matière de prostitution et de pornographie. La différence entre la couverture de 1983 et de 1978, par exemple, tient principalement au fait que, en 1983, les pressions exercées sur l'administration fédérale se sont diversifiées et qu'elles ont été associées à un plus net mouvement d'opinion à l'égard de la prostitution.

Les conseillers municipaux sont les sources de commentaires le plus souvent citées ou rapportées, sans doute parce qu'ils ont été pour beaucoup à l'origine des pressions exercées sur le fédéral. Essentiellement, toutefois, les sources le plus fréquemment citées demeurent les mêmes: représentants des milieux judiciaires, législatifs et policiers, journalistes et prostituées adultes.

Les sujets le moins souvent abordés ne changent pas: effets psychologiques, crime organisé et justification de la prostitution.

Il en va de même des sources de commentaires le moins souvent citées ou rapportées: proxénètes, groupes juridiques et clients. Les clients, cependant, occupent de loin la dernière place.

1982
(Suite)

Pour ce qui est des sources de commentaires, les conseillers municipaux sont, pour des raisons évidentes, plus souvent cités que jamais. Les sources qui viennent en tête sont cependant les mêmes: représentants des milieux judiciaires, législatifs et policiers, journalistes et prostituées adultes.

Au chapitre des sujets le moins souvent traités, on observe un léger changement: la couverture de la libéralisation de la prostitution et du crime organisé augmente un peu, alors que celle du harcèlement de la police diminue légèrement. Des sujets comme la justification de la prostitution, le harcèlement de la police et les effets psychologiques de la prostitution sont donc abordés moins souvent. Pour ce qui est des sources de commentaires, enfin, les représentants du monde des affaires tombent aux derniers rangs, avec ceux des groupes juridiques et des mouvements religieux.

1983

En 1983, la couverture de la prostitution augmente légèrement par rapport aux deux années précédentes. Le Globe and Mail, le Toronto Star et le Vancouver Sun occupent, dans cet ordre, les premiers rangs. Contrairement à ce que nos données montrent, le Vancouver Sun avance en fait le Toronto Star par trois articles.

L'événement le plus important est l'invalidation, par la Cour Suprême du Canada, du règlement de la ville de Calgary et les conséquences de cette décision pour l'ensemble du pays. Ce règlement a une longue histoire. Il est adopté en juin 1981, déclaré illégal en octobre de la même année, jugé légal par la Cour d'appel de l'Alberta en février 1982 et enfin invalidé par la Cour Suprême du Canada en janvier 1983. Par ailleurs, le gouvernement fédéral a encouragé les villes aux prises avec des problèmes de prostitution à suivre l'exemple de Calgary, comme il l'avait fait après que Montréal ait eu adopté un règlement semblable en 1980 - règlement qui a d'ailleurs été invalidé par la Cour Supérieure du Québec. On peut donc s'imaginer la fureur qu'a soulevée la décision de la Cour Suprême et la couverture qui a suivi. La décision de la Cour a principalement été couverte par le Calgary Herald, mais l'analyse de ses conséquences et l'élargissement du débat au rôle de l'état fédéral se trouvent principalement dans le Calgary Herald, le Toronto Star, le Vancouver Sun, et, à un degré moindre, le Globe et la Winnipeg Free Press.

Comme le montre notre Chronologie, la ville de Vancouver a, par suite de la décision de la Cour Suprême, abandonné les poursuites qu'elle avait engagées en vertu de son propre règlement, et abrogé le règlement lui-même en février.

Les événements de Calgary dont il a été question ci-dessus ont été couverts par tous les journaux anglophones, et notamment par le Calgary Herald et le Globe. Ils n'ont pas été traités, à la même époque, par la Presse ni Le Devoir. Dans ce dernier cas, toutefois, le phénomène tient peut-être au manque d'exhaustivité de nos données.

La couverture de la prostitution demeure presque aussi élevée qu'en 1981. Le Vancouver Sun et la Colombie-Britannique occupent, à nouveau, les premiers rangs. Pour le Vancouver Sun, le mois de mai est particulièrement important. Cela vient de ce que, en avril (cf. Chronologie), le conseil municipal de Vancouver a adopté un règlement autorisant la police à donner une contravention aux personnes qui achètent ou offrent des services sexuels sur la voie publique. En mai, la plupart des articles du Sun consacrés à la question portent sur le problème de la divulgation éventuelle du nom des clients des prostituées. Le maire de Vancouver a déjà approuvé la pratique de la partie publique qui consiste à taire le nom des personnes qui se sont déclarées coupables et ont payé l'amende avant d'être sommées à comparaître. Le Sun consacre également des articles sur la responsabilité du gouvernement fédéral dans la répression de la prostitution. En mai toujours, l'Ontario est témoin d'une première: la ville de Niagara Falls adopte le premier règlement dans la province interdisant le racolage, et les autorités municipales affirment que le nom des personnes reconnues coupables sera rendu public. L'événement est couvert par le Sun, le Toronto Star et le Globe. Les événements de Vancouver l'ont été principalement par le Sun et le Globe. Du point de vue des sujets abordés par la presse, la législation municipale vient, pour la première fois, au premier rang - et ce, de loin. 1982 est donc l'année au cours de laquelle la question de la prise en charge de la répression de la prostitution par les villes, les décisions des maires et les débats sur la législation municipale font l'objet de la plus grande couverture. La prostitution des adolescents a de ce fait perdu la place qu'elle s'était progressivement acquise depuis 1979. Autrement, l'ordre des sujets abordés change peu.

La couverture globale de la prostitution double presque par rapport à l'année précédente. Le nombre des événements augmente dans tout le pays. C'est cependant l'adoption, par la ville de Calgary, de deux règlements municipaux interdisant le racolage sur la voie publique qui fait l'objet de la plus importante couverture, et ce, dans tous les journaux. En fait, les deux règlements retiennent l'attention de la presse pendant un certain temps, aussi bien avant qu'après leur adoption. Du 23 mai, date à laquelle la ville de Calgary envisage la possibilité de réglementer la prostitution par l'attribution de permis, jusqu'au 18 juin, date à laquelle les règlements en question sont adoptés, la ville de Calgary est souvent citée dans le débat sur la réglementation de la prostitution. Après cette date, les premières accusations portées en vertu des deux règlements attirent un peu l'attention, tout comme d'ailleurs, leur contestation et, ultérieurement, leur invalidation le 7 octobre. Du point de vue de la couverture en général, la Colombie-Britannique vient au premier rang. Elle est suivie, pour les raisons expliquées ci-dessus, de l'Alberta.

Par ailleurs, le sujet de la législation municipale passe au deuxième rang. Il convient de signaler que, plus tôt dans l'année, le solliciteur général du Canada a invité d'autres villes à imiter Montréal en adoptant des règlements visant à réprimer la prostitution. Vancouver rejette l'idée, mais Calgary l'étudie. Cela explique pourquoi la question des règlements municipaux fait l'objet d'une couverture accrue.

La prostitution des adolescents continue d'occuper la même place. Elle est toujours précédée des questions d'ordre législatif, juridique et policier. Les sources de commentaires le plus souvent citées ou rapportées demeurent inchangées: représentants des milieux législatifs, judiciaires ou policiers, journalistes et prostituées adultes. Après le creux de 1979 et 1980, les groupes de résidents sont revenus à la position médiane qu'ils occupaient en 1978.

Les sujets le moins souvent traités sont, à nouveau, le crime organisé ainsi que la justification et la libéralisation de la prostitution.

Les sources de commentaires le moins souvent citées ou rapportées sont les groupes juridiques, les groupes de femmes et les mouvements religieux. Pour les groupes de femmes, l'année 1981 constitue à cet égard un creux.

où juillet vient au premier rang, la couverture des journaux n'est pas liée à un événement en particulier. La question de la prostitution dans son ensemble suscite des débats plus nombreux.

Pour ce qui est du Québec, l'événement le plus marquant est l'adoption, par le conseil municipal de Montréal, d'un règlement interdisant le racolage public. La couverture accordée en juillet à l'événement par la Presse en témoigne. Toutefois il est intéressant d'observer que la majorité des articles de La Presse ne présentent pas tant des nouvelles que des reportages sur la prostitution à Montréal, le lien entre l'adoption récente du règlement municipal et l'article étant souvent clairement énoncé. Ces reportages portent sur la situation à Montréal et présentent l'opinion d'un large éventail de commentateurs.

Les autres journaux font également état du règlement adopté par la Ville de Montréal.

Du point de vue des sujets traités, la prostitution des adolescents est abordée plus fréquemment, tout comme, évidemment, la législation municipale. Dans le premier cas, l'intérêt soulevé par la prostitution des adolescents semble augmenter partout; dans le second, il semble raisonnable de supposer que le règlement adopté par la Ville de Montréal et l'intérêt que d'autres conseils municipaux y ont porté soient à l'origine de l'augmentation observée. Notre Chronologie le confirme d'ailleurs. Autrement, les sujets qui reviennent le plus souvent concernent encore des questions comme la législation et l'application de la loi.

Les sources de commentaires le plus souvent citées ou rapportées sont à nouveau les représentants des milieux législatifs, judiciaires et policiers; suivent les prostituées adultes et les journalistes. Les groupes d'appui font des gains qui méritent d'être signalés.

Les sujets le moins souvent abordés sont, à nouveau, la justification et la libéralisation de la prostitution, les effets psychologiques de la prostitution et le crime organisé. Il convient de signaler que, comme sujet, la législation provinciale n'est pas souvent citée pour des raisons d'ordre législatif. En effet, la prostitution est de compétence fédérale, les municipalités n'intervenant qu'à l'occasion, en édictant des règlements.

Les sources de commentaires le moins souvent citées ou rapportées sont, à nouveau, les clients, les résidents, les groupes juridiques et les mouvements religieux.

1979

L'année 1979 a été celle où la couverture des sujets à l'étude a été la plus faible. Aucun événement n'a suscité de couverture exhaustive. Les journaux ont traité de façon générale des projets de modification du Code criminel, et, compte tenu de la faible couverture accordée cette année-là aux questions qui nous intéressent, un sujet comme la définition du racolage revient plus souvent comme tel même s'il est également associé à des questions telles que la législation ou l'application de la loi. Pour les mêmes raisons, la prostitution d'adolescents revient plus souvent que l'année précédente. Toutes ces comparaisons, en effet, ont été faites avec l'année 1978 (tableau 3). Autrement, les sujets associés à la législation et à l'application de la loi occupent toujours le premier rang.

Du point de vue géographique, la Colombie-Britannique est toujours la région qui a fait l'objet de la couverture la plus intense. Cependant, nos données n'étant pas exhaustives, le Vancouver Sun n'est pas placé au premier rang.

Encore, en 1979 les commentateurs le plus souvent cités ou rapportés émanent de représentants des milieux judiciaires, législatifs ou policiers; suivent, à nouveau, les journalistes et les prostituées adultes.

Les sujets le moins fréquemment abordés concernent la libéralisation et la justification de la prostitution, le crime organisé et les effets psychologiques de la prostitution. La législation municipale demeure au nombre des sujets à faible fréquence, la prostitution homosexuelle occupant un rang intermédiaire.

Les proxénètes, les résidents, les groupes juridiques et les mouvements religieux sont les sources de commentateurs le moins souvent citées ou rapportées.

1980

La couverture des sujets qui nous intéressent double par rapport à l'année précédente. Le nombre d'articles augmente sensiblement dans tous les journaux, le globe, la Presse et le Vancouver Sun se plaçant aux premiers rangs. Nos données n'étant pas exhaustives, elles ne nous permettent pas de constater que le Vancouver Sun se détache nettement du peloton.

Exception faite du Québec (cf. Chronologie), l'augmentation de la couverture ne tient pas à des événements donnés.

En Colombie-Britannique même, où les chiffres sont en fait plus élevés que ne l'indiquent nos tableaux, et

Pour l'ensemble de la période à l'étude, cette année occupe le cinquième rang sur le plan de l'intensité de la couverture, et elle est caractérisée par une présence marquée du Vancouver Sun et de la Colombie-Britannique (cf. tableaux 3 et 4). La chose tient au fait que les événements qui ont suscité la plus importante couverture se sont produits principalement à Vancouver (cf. Chronologie). Ces événements ont tous un caractère judiciaire. Il s'agit notamment des affaires Hutt et Penthouse. Dans le premier cas, la Cour Suprême du Canada a statué que le racolage dans une voiture de police banalisée ne constituait pas du racolage public; dans le second, elle a refusé d'entendre l'appel contre un jugement d'acquiescement des propriétaires d'un cabaret accusés d'avoir tiré des revenus de la prostitution, parce que le lien entre les prostituées et les propriétaires n'avait pas été clairement établi. La Cour Suprême a également statué que, dans l'affaire Hutt, le racolage n'avait pas été "pressant et persistant" et ne contrevenait donc pas à la loi. Le nombre d'articles consacrés à ce sujet a atteint un sommet en mars; la couverture de ces deux événements explique le phénomène.

Les sujets les plus fréquents traitent du problème de la répression de la prostitution. La législation fédérale est à cet égard souvent mentionnée, tant en raison des modifications qu'on projette d'apporter au Code criminel (cf. Chronologie) que des réactions aux jugements de la Cour Suprême. Les commentaires des représentants des milieux judiciaires, policiers et législatifs sont le plus souvent cités ou rapportés (tableau 7); suivent ceux des journalistes et des prostituées adultes.

Les sujets le moins souvent cités ont trait au crime organisé, à la justification de la prostitution et à ses effets psychologiques. La question de la responsabilité des administrations publiques n'est pas souvent abordée, principalement parce que les villes n'ont pas encore souvent recours à la réglementation pour lutter contre la prostitution. Il en va de même de la prostitution homosexuelle.

Les sources le moins souvent citées ou rapportées sont les clients, les groupes d'appui, les groupes juridiques et les proxénètes.

Les événements dont il vient d'être question ont principalement été couverts par le Vancouver Sun, le Globe, le Toronto Star et la Winnipeg Free Press ne les ont qu'effleurés. Il n'en a pas été question dans La Presse ni Le Devoir; dans ce dernier cas, toutefois, notre échantillon ne visait que 85% des articles parus dans le journal. Il se peut également que l'insuffisance de notre collection d'articles parus en 1978 dans le Calgary Herald explique que le même phénomène se soit produit pour ce journal.

PROSTITUTION

Tableau 1	Nombre total d'articles pour chacune des années de la période à l'étude.
Tableau 2	Nombre d'articles parus dans chacun des journaux étudiés.
Tableau 3	Nombre d'articles parus dans chaque journal, par année et mois.
Tableau 4	Nombre d'articles, selon le contexte géographique, par ordre, pour chaque année.
Tableau 5	Fréquence des sujets, par ordre, pour chaque année.
Tableau 6	Fréquence des sujets, par ordre, pour la totalité de la période.
Tableau 7	Fréquence des sources de commentaires cités ou rapportés, par ordre pour chaque année.
Tableau 8	Fréquence des sources de commentaires cités ou rapportés, par ordre, pour la totalité de la période.

Pour atteindre les objectifs que nous venons de décrire dans l'introduction, nous avons procédé comme suit.

Nous avons tout d'abord conçu une feuille de codage qui nous permette de consigner, par ordre d'importance, le sujet d'un article, le contexte géographique et la source des commentaires exprimés.

Les 1,659 articles réunis ont ensuite été codés en conséquence.

Après avoir totalisé les résultats par sujet, contexte géographique et source des commentaires, nous avons analysé l'intensité de la couverture semaine par semaine. Ce travail nous a permis de faire ressortir, pour certaines semaines et les semaines voisines, des "blocs" de couverture. Nous sommes ensuite revenus aux articles eux-mêmes en fonction du nombre de coupures de chaque bloc afin de voir au juste de quoi il était question. Chaque fois qu'une concentration d'articles sur une situation ou un fait témoignait de son importance, nous avons prélevé au hasard des opinions parmi l'éventail des articles réunis.

Pour l'étude d'opinion, chacun des articles de l'échantillon a été résumé séparément par deux personnes qui ignoraient tout des articles résumés par l'autre. Les résumés ont ensuite été comparés. Pour l'étude, nous avons retenu les renseignements figurant dans les deux résumés, en nous laissant une certaine marge de manœuvre pour tenir compte de leur niveau de détail.

Les positions et les arguments ont enfin été groupés par catégories. Cet exercice a donné lieu à une part d'interprétation, car les opinions exprimées sont souvent fragmentaires. Nous avons ensuite calculé la fréquence de chaque position au sein de l'échantillon ainsi que les sources qui l'exprimaient le plus souvent. Ces renseignements sont donnés sous forme de pourcentages.

En procédant ainsi, nous avons pu nous faire une idée des positions et des attitudes à l'égard de la pornographie et de la prostitution ainsi que des principales préoccupations que ces sujets soulèvent.

dans les journaux? 2) Quels sont les arguments, les opinions ou les formes de raisonnement utilisées dans les journaux quand ces sujets sont abordés?

Il importe de dire dès maintenant que, dans ce dernier cas, les opinions et les formes de raisonnement exprimées sont souvent celles du public, l'immeuse majorité des articles comportant des citations ou des comptes rendus des vues des citoyens.

Structure de l'étude

L'étude débute par une description de la méthodologie retenue. La prostitution et la pornographie y sont présentées séparément, dans cet ordre. Dans chaque cas, nous exposons et expliquons tout d'abord nos observations; suivent une présentation des données recueillies, des renseignements sur les résultats d'une étude des opinions exprimées et des commentaires sur les termes qui reviennent le plus souvent dans l'échantillon analysé.

Nous terminons l'étude par des observations générales.

L'appendice comprend la feuille de codage, des listes de sujets dont le numéro correspond à celui de la feuille de codage et une présentation chronologique d'événements importants associés à la prostitution et la pornographie.

Nature des données recueillies

La documentation obtenue auprès des journaux eux-mêmes est fort probablement complète, puisque les journaux ont l'habitude de conserver tout ce qu'ils ont publié. (Voir la section "Sources" ci-dessus.)

La collection de la Bibliothèque du Parlement ne prétend pas être exhaustive. Les coupures sont conservées en fonction de leur importance, c'est-à-dire de ce qu'elles apportent de neuf à un débat. De cette manière, on évite les répétitions et les suivis inutiles.

Les dossiers de la Bibliothèque du Parlement ont été complétés par ceux d'importantes bibliothèques municipales. Dans ce cas, on conserve généralement tous les articles parus dans les journaux locaux. Seule la bibliothèque de Winnipeg fait exception; les renseignements manquants ont dans ce cas été obtenus par l'Intermédiaire du Canadian Newspaper Index. Malheureusement, les dossiers mis à la disposition du grand public souffrent parfois de lacunes imputables aux pertes.

L'index de la bibliothèque de l'université Simon Fraser qu'a utilisé John Lowman comprenait des articles publiés jusqu'en juin 1979 (comme l'index de la période juillet 1979 jusqu'à 1983 était en train d'être microfilmé, il n'était pas disponible).

Le Canadian Newspaper Index utilisé à l'occasion pour compléter certains renseignements est un index par sujets des articles publiés par les principaux journaux du pays. Le choix des articles retenus est fonction de leur importance. Nous n'avons pas eu à utiliser l'index de l'Actualité, La Presse ayant mis ses dossiers à notre disposition, et la majorité des articles du Devoir (85%) figurant dans la collection de la Bibliothèque du Parlement - comme d'ailleurs dans les dossiers de La Presse.

La bibliothèque de la Société Radio-Canada de Toronto nous a permis de consulter ses dossiers sur le Toronto Star. On estime que le taux de couverture des articles parus dans ce journal s'établit à 80-90%.

Approche

Le lecteur trouvera une description plus détaillée de notre approche dans la section intitulée "Méthodologie". Nous avons toutefois jugé utile de définir succinctement les bases de notre approche des maintenant.

La couverture de la pornographie et de la prostitution par les journaux canadiens comporte deux principaux aspects. 1) Quels sont les événements qui ont été à l'origine d'articles? Comment sont-ils distribués en région? Par quels sujets ces questions sont-elles représentées

INTRODUCTION

Objet

Cette étude se propose en gros de voir comment la presse canadienne a couvert la question de la pornographie et de la prostitution de 1978 à 1983.

Conditions

Compte tenu de la période à l'étude et de l'objet du travail, la "presse canadienne" désigne ici les principaux journaux de chacune des cinq régions du pays: The Halifax Chronicle Herald, Le Devoir, La Presse, The Globe and Mail, The Toronto Star, The Winnipeg Free Press, The Calgary Herald et The Vancouver Sun.

Pour les mêmes raisons, nous n'avons appuyé notre étude que sur les coupures disponibles et facilement accessibles. Nous n'avons eu recours aux microfilms pour compléter ces renseignements que lorsque la chose a été jugée nécessaire et faisable.

A nos yeux, nous avons ainsi réuni un ensemble de données représentatives, mais non exhaustives.

Sources

Divers établissements conservent des coupures de journaux sur la pornographie et la prostitution; les journaux eux-mêmes le font. Tous, cependant, ne sont pas ouverts au public. La Bibliothèque du Parlement nous a donné accès à ses dossiers sur ces deux sujets. Nous avons complété les renseignements ainsi recueillis par des coupures obtenues auprès de la Société Radio-Canada de Toronto, des principales bibliothèques publiques de Winnipeg, Calgary et Vancouver et du Halifax Chronicle Herald, de La Presse et du Globe and Mail. Dans ce dernier cas, les imprimés qui nous ont été fournis ont été produits par Info-Globe. Pour ce qui est du Vancouver Sun, John Lowman, professeur au département de criminologie de l'université Simon Fraser et conseiller pour cette étude, a mis à notre disposition des articles microfilmés provenant d'un index de la couverture de la prostitution par les journaux de la province établi par la bibliothèque de l'université Simon Fraser, ou tirés du Canadian Newspaper Index et de sa collection personnelle. Le Canadian Newspaper Index nous a également permis de compléter nos données quand la chose a été jugée nécessaire et faisable.

REMERCIEMENTS

- i -

L'auteur remercie les responsables de la Bibliothèque du Parlement, de la Société Radio-Canada à Toronto, des principales bibliothèques publiques de Winnipeg, Calgary et Vancouver ainsi que le Halifax Chronicle Herald, La Presse et le Globe and Mail, qui ont mis à ma disposition leurs collections d'articles sur la prostitution et la pornographie.

Je tiens à remercier tout particulièrement John Lowman, professeur au département de criminologie de l'université Simon Fraser, qui m'a conseillé et a mis à ma disposition ses articles sur la prostitution et une partie de son étude sur la couverture de la prostitution dans la presse de Colombie-Britannique.

Je tiens également à remercier très sincèrement mes assistantes Rhona Berenstein, Valerie Erdle, Nicole Maille, Kai Oka, Allison Tett et Denise Therrien.

Je tiens enfin à exprimer ma gratitude à John Roston, directeur adjoint des Communications pédagogiques de l'université McGill, qui m'a aidée à concevoir la feuille de codage et à planifier les recherches informatiques.

TABLe DES MATIERES

Remerciements	i
Introduction	1
Méthodologie	5
Prostitution	7
Résultats	8
Données	17
Renseignements sur l'échantillon étudié	35
Langue	37
Pornographie	39
Résultats	40
Données	51
Renseignements sur l'échantillon étudié	69
Langue	70
Conclusion	71
Appendice	73
Liste de sujets	75
Chronologie - Prostitution	79
Chronologie - Pornographie	91
Feuille de codage	99

PROSTITUTION ET PORNOGRAPHIE:

COUVERTURE DE LA PRESSE CANADIENNE

1978-1983

Maged El Komos

juillet 1984

Etude réalisée pour le ministère de la Justice, Ottawa

Les vues exprimées ici n'engagent que l'auteur et ne correspondent pas nécessairement à celles du ministère de la Justice.

